A

# CODE

OF

# GENTOO LAWS,

OR,

# ORDINATIONS

OF THE

# *PUNDITS*,

FROM A

# PERSIAN TRANSLATION,

MADE FROM THE

# ORIGINAL,

WRITTEN IN THE

SHANSCRIT LANGUAGE.

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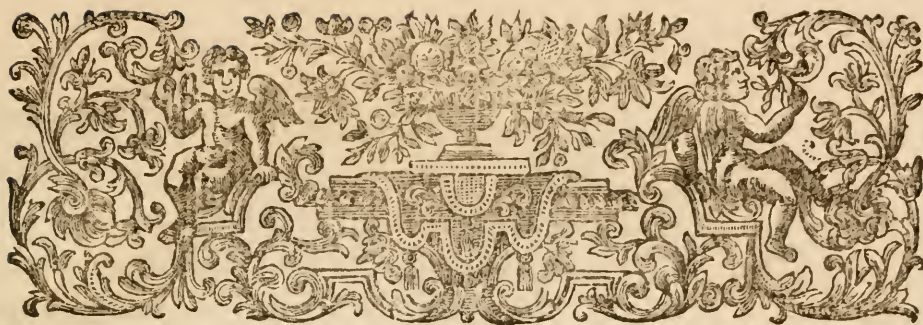
*LONDON:*

PRINTED in the YEAR M DCC LXXVI.

# LETTER

FROM

WARREN HASTINGS, Esq.

Governor-General of *Fort-William*, in *Bengal*,

TO THE

COURT OF DIRECTORS

OF THE

United Company of Merchants of *England*, Trading to the EAST-INDIES.

HONOURABLE SIRS,

I HAVE now the Satisfaction to transmit to you a complete and corrected Copy of a TRANSLATION of the GENTOO CODE, executed with great Ability, Diligence and Fidelity, by Mr. *Halhed*, from a Persian Version of the original Shanscrit, which was undertaken under the immediate Inspection of the Pundits or Compilers of this Work.

I HAVE

I HAVE not Time to offer any Obſervations upon theſe Productions; indeed they will beſt ſpeak for themſelves : I could have wiſhed to have obtained an Omiſſion or Amendment of ſome Paſſages, to have rendered them more fit for the Public Eye; but the Pundits, when deſired to reviſe them, could not be prevailed upon to make any Alterations, as they declared, they had the Sanction of their Shaſter, and were therefore incapable of Amendment; poſſibly theſe may be conſidered as eſſential Parts of the Work, ſince they mark the Principles on which many of the Laws were formed, and bear the Stamp of a very remote Antiquity, in which the Refinements of Society were leſs known, and the Manners more influenced by the natural Impulſe of the Paſſions.

I HAVE the Honour to be, with the greateſt Reſpect,

HONOURABLE SIRS,

Your moſt obedient,

And moſt faithful humble Servant,

Warren Haſtings.

Fort-William,
27th March, 1775.

# LETTER

*To the* CHAIRMAN *of the* COURT OF DIRECTORS *of the* United Eaſt-India Company, *dated at* Calcutta, 6*th* Auguſt, 1775.

*SIR,*

I HAVE too long ſerved under Mr. *Haſtings* not to be convinced, that he would never have ſuffered the accompanying Addreſs to go home in his Encloſure; reduced therefore to the Neceſſity of eluding his Knowledge, I have taken the Liberty, by this only poſſible Method, to expreſs my Gratitude for his Favours: and the peculiar Circumſtances of the Caſe will, I hope, apologize to you, Sir, for the Abruptneſs of this Intruſion.—I humbly requeſt, that when the CODE OF GENTOO LAWS, PRELIMINARY TREATISE, &c. ſhall come to be printed, you will alſo be pleaſed to permit the Publication of this Addreſs.

I AM, with the greateſt Reſpect,

*SIR,*

*Your moſt obedient humble Servant,*

*Nathaniel Braſſey Halhed.*

TO THE

# Hon<sup>ble</sup> *WARREN HASTINGS*, Efq.

GOVERNOR-GENERAL

OF THE

British Settlements in the Eaft-Indies, *&c. &c.*

HONOURABLE SIR,

BY the Publication of the Collection of GENTOO LAWS, made under your immediate Authority, I find myfelf involuntarily held forth to the Public as an Author, almoft as foon as I have commenced to be a Man.

IT is therefore with fome Propriety that I claim to this Work the Continuation of your Patronage, which as it at firft felected me from a Number of more worthy Competitors to undertake the Tafk, fo it has by conftant Affiftance and Encouragement been the entire Inftrument of its Completion.—Indeed, if all the Lights, which at different Periods have been thrown upon this Subject, by your happy Suggeftions, had been with-held, there would have remained for my Share of the Performance nothing but a Mafs of Obfcurity and Confufion; fo that in your own Right, the whole Refult of the Execution is yours, as well as the entire Merit of the original Plan.

IT

It is my earneſt Wiſh that you may long be the prime Adminiſtrator of an Eſtabliſhment, to which you have ſo excellently paved the Way; as I am ſure your extenſive general Knowledge, joined to your particular Experience in the Affairs of *India*, give you Advantages which can ſcarcely fall to the Share of any other Subject of the *Britiſh* Empire.

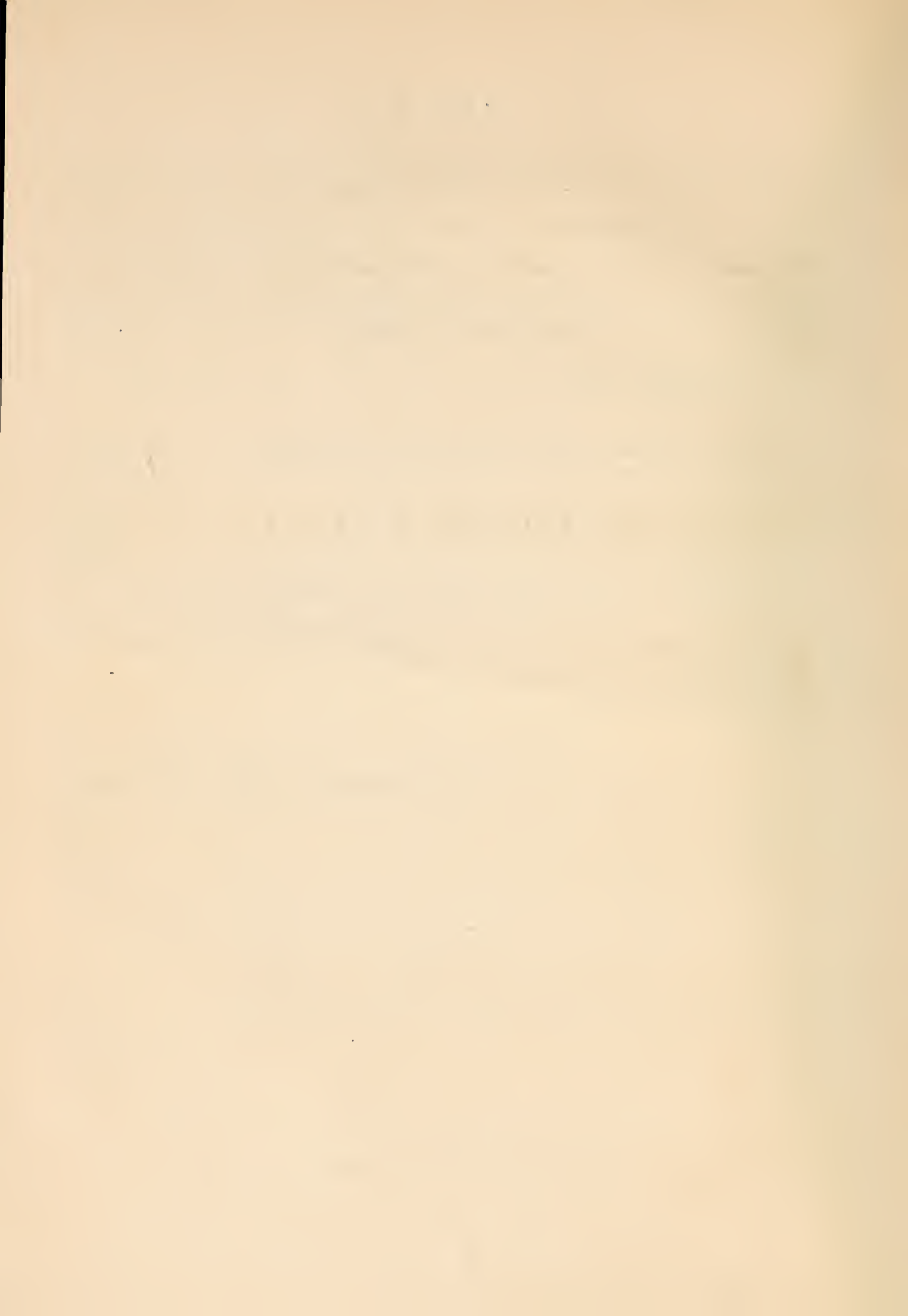
I am, with the greateſt Reſpect and Gratitude,

Honourable SIR,

*Your moſt obliged,*

*And moſt obedient Servant,*

*Nathaniel Braſſey Halhed.*

# THE

# TRANSLATOR'S PREFACE.

THE Importance of the Commerce of India, and the Advantages of a Territorial Eſtabliſhment in Bengal, have at length awakened the Attention of the Britiſh Legiſlature to every Circumſtance that may conciliate the Affections of the Natives, or enſure Stability to the Acquiſition. Nothing can ſo favourably conduce to theſe two Points as a well-timed Toleration in Matters of Religion, and an Adoption of ſuch original Inſtitutes of the Country, as do not immediately claſh with the Laws or Intereſts of the Conquerors.

To a ſteady Purſuance of this great Maxim, much of the Succeſs of the Romans may be attributed, who not only allowed to their foreign Subjects the free Exerciſe of their own Religion, and the Adminiſtration of their own civil Juriſdiction, but ſometimes by a Po-

licy ſtill more flattering, even naturalized ſuch Parts of the Mytho-logy of the Conquered, as were in any reſpect compatible with their own Syſtem.

With a View to the ſame political Advantages,and in Obſervance of ſo ſtriking an Example, the following Compilation was ſet on foot; which muſt be conſidered as the only Work of the Kind, wherein the genuine Principles of the Gentoo Juriſprudence are made public, with the Sanction of their moſt reſpectable Pundits (or Lawyers) and which offers a complete Confutation of the Belief too common in Europe, that the Hindoos have no written Laws whatever, but ſuch as relate to the ceremonious Peculiarities of their Superſtition.

The Profeſſors of the Ordinances here collected ſtill ſpeak the original Language in which they were compoſed, and which is entirely unknown to the Bulk of the People, who have ſettled upon thoſe Profeſſors ſeveral great Endowments and Benefactions in all Parts of Hindoſtan, and pay them beſides a Degree of perſonal Reſpect little ſhort of Idolatry, in return for the Advantages ſuppoſed to be derived from their Studies. A Set of the moſt experienced of theſe Lawyers was ſelected from every Part of Bengal for the Purpoſe of compiling the preſent Work, which they picked out Sentence by Sentence from various Originals in the Shanſcrit Language, neither adding to nor diminiſhing any Part of the ancient Text. The Articles thus collected were next tranſlated literally into Perſian, under the Inſpection of one of their own Body; and from that Tranſlation were

were rendered into Engliſh with an equal Attention to the Cloſeneſs and Fidelity of the Verſion. Leſs ſtudious of Elegance than of Accuracy, the Tranſlator thought it more excuſable to tire the Reader with the Flatneſs of a literal Interpretation, than to miſlead him by a vague and devious Paraphraſe; ſo that the entire Order of the Book, the ſeveral Diviſions of its Contents, and the whole Turn of the Phraſe, is in every Part the immediate Product of the Bramins. The Engliſh Dialect in which it is here offered to the Public, and that only, is not the Performance of a Gentoo. From hence therefore may be formed a preciſe Idea of the Cuſtoms and Manners of theſe People, which, to their great Injury, have long been miſrepreſented in the Weſtern World. From hence alſo Materials may be collected towards the legal Accompliſhment of a new Syſtem of Government in Bengal, wherein the Britiſh Laws may, in ſome Degree, be ſoftened and tempered by a moderate Attention to the peculiar and national Prejudices of the Hindoo; ſome of whoſe Inſtitutes, however fanciful and injudicious, may perhaps be preferable to any which could be ſubſtituted in their room. They are interwoven with the Religion of the Country, and are therefore revered as of the higheſt Authority: They are the Conditions by which they hold their Rank in Society. Long Uſage has perſuaded them of their Equity, and they will always gladly embrace the Permiſſion to obey them; to be obliged to renounce their Obedience would probably be eſteemed among them a real Hardſhip.

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The Attention which the Tranflator was forced to beftow upon fo uncommon a Subject, the Number of Enquiries neceffary for the Elucidation of almoft every Sentence, and the many Opportunities of moft decifive Information, which the Courfe of the Work prefented, give him in fome Meafure a Right to claim the Conviction of the World upon many dubious Points, which have long eluded the niceft Inveftigation. He is very far from wifhing to eftablifh his own Doctrines upon the Ruins of thofe which he found already erected; and when he oppofes popular Opinion, or contradicts any ill-grounded Affertion, it is with the utmoft Diftruft of his own Abilities, and merely in Submiffion to the Authority of that Truth which the Candid will ever be glad to fupport, even in Prejudice to a Syftem of their own Formation.

In a Tract fo untrodden as this, many Paths muft be attempted before we can hit upon the right. We owe much to every Perfon, who in fo troublefome a Road hath removed a fingle Obftacle, or opened the fmalleft Channel for Difcovery; and the more difficult the Completion of the Adventure, the greater is the Merit of each Attempt. The prefent Work however is the only one of this Nature ever undertaken by Authority; the only Inftance, in which the Bramins have ever been perfuaded to give up a Part of their own Confequence for the general Benefit of the whole Community: And the Pen of the Tranflator muft be confidered as entirely the paffive Inftrument, by which the Laws of this fingular Nation are ufhered into the World from thofe Bramins themfelves.

In this preliminary Treatiſe it is propoſed, after a few general and introductory Obſervations, to attempt a ſhort Account of the Shanſcrit Language, and an Explanation of ſuch Paſſages in the Body of the Code, as may appear by their Peculiarity or Repugnance to our Sentiments to lie moſt open to Objection.

Many conjectural Doctrines have been circulated by the Learned and Ingenious of Europe upon the Mythology of the Gentoos; and they have unanimouſly endeavoured to conſtrue the extravagant Fables with which it abounds into ſublime and myſtical Symbols of the moſt refined Morality. This Mode of reaſoning, however common, is not quite candid or equitable, becauſe it ſets out with ſuppoſing in thoſe People a Deficiency of Faith with Reſpect to the Authenticity of their own Scriptures, which, although our better Information may convince us to be altogether falſe and erroneous, yet are by them literally eſteemed as the immediate Revelations of the Almighty; and the ſame confidential Reliance, which we put in the Divine Text upon the Authority of its Divine Inſpirer himſelf, is by their miſtaken Prejudices implicitly transferred to the Beids of the Shaſter. Hence we are not juſtified in grounding the Standard and Criterion of our Examination of the Hindoo Religion upon the known and infallible Truth of our own, becauſe the oppoſite Party would either deny the firſt Principles of our Argument, or inſiſt upon an equal Right on their Side to ſuppoſe the Veracity of their own Scriptures uncontrovertible.

It may poſſibly be owing to this Vanity of reconciling every other Mode of Worſhip to ſome Kind of Conformity with our own, that allegorical Conſtructions, and forced Alluſions to a myſtic Morality, have been conſtantly foiſted in upon the plain and literal Context of every Pagan Mythology. But we ſhould conſider, that the Inſtitution of a Religion has been in every Country the firſt Step towards an Emerſion from Savage Barbariſm, and the Eſtabliſhment of Civil Society; that the human Mind at that Period, when Reaſon is juſt beginning to dawn, and Science is yet below the Horizon, has by no Means acquired that Facility of Invention, and thoſe profound Habits of thinking, which are neceſſary to ſtrike out, to arrange, and to complete a connected, conſiſtent Chain of abſtruſe Allegory. The Vulgar and Illiterate have always underſtood the Mythology of their Country in its moſt ſimple and literal Senſe; and there was a Time to every Nation, when the higheſt Rank in it was equally vulgar and illiterate with the loweſt. Surely then, we have no Right to ſuſpect in Them a greater Propenſity to, or Capability of the Compoſition of ſuch ſubtle Myſteries in thoſe Ages of Ignorance, than we find to exiſt in their legitimate Succeſſors, the modern Vulgar and Illiterate at this Day.

We have ſeen frequent and unſucceſsful Attempts among ourſelves to ſublimate into alluſive and ſymbolical Meanings the Moſaic Account of the Creation: Such erratic Syſtems have riſen but to be exploded; and their mutual Diſagreement with each other,

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other, in theſe fanciful Interpretations, is to us an additional Argument for the literal Veracity of the Inſpired Penman. The Faith of a Gentoo (miſguided as it is, and groundleſs as it may be) is equally implicit with that of a Chriſtian, and his Allegiance to his own ſuppoſed Revelations of the Divine Will altogether as firm. He therefore eſteems the aſtoniſhing Miracles attributed to a Brihmā, a Raām, or a Kiſhen, as Facts of the moſt indubitable Authenticity, and the Relation of them as moſt ſtrictly hiſtorical.

But not to interfere with ſuch Parts of the Hindoo Mythology as have not been revealed or explained to him, the Tranſlator can poſitively affirm, that the Doctrine of the Creation, as ſet forth in the prefatory Diſcourſe to this Code, is there delivered as ſimple and plain Matter of Fact, and as a fundamental Article in every pious Gentoo's Creed; that it was ſo meant and underſtood by the Compilers of this Work unanimouſly, who bore the firſt Characters in Bengal, both for their natural and acquired Abilities; and that their Accounts have been corroborated by the Information of many other learned Bramins in the Courſe of a wide and laborious Enquiry; nor can it be otherwiſe, unleſs the Progreſs of Science, inſtead of being ſlow and gradual, were quick and inſtantaneous; unleſs Men could ſtart up at once into Divines and Philoſophers from the very Cradle of Civilization, or could defer the Profeſſion of any Religion at all, until progreſſive Centuries had ripened them into a Fitneſs for the moſt abſtracted Speculations.

Yet

Yet it may fairly be presumed, that when the Manners of a People become polished, and their Ideas enlightened, Attempts will be made to revise and refit their Religious Creed into a Conformity with the Rest of their Improvements; and that those Doctrines, which the ignorant Ancestor received with Reverence and Conviction, as the literal Exposition of undoubted Fact, the philosophic Descendant will strive to gloss over by *à posteriori* Constructions of his own; and, in the Fury of Symbol and Allegory, obscure and distort that Text which the Simplicity of its Author never suspected as liable to the Possibility of such Mutilation. — These Innovations however have always been screened, with the most scrupulous Attention, from the general View of Mankind; and, if a hardy Sage hath at any Time ventured to remove the Veil, his Opinions have usually been received with Detestation, and his Person hath frequently paid the Forfeit of his Temerity.

The real Intention and Subject of the Eleusinian Mysteries are now well known; but it cannot, with much Plausibility, be pretended, that those Mysteries were coeval with the Mythology to whose Disproval they owed their Establishment: Probably, the Institution was formed at a more advanced Period of Science, when the Minds of the Learned were eager to pierce through the Obscurity of Superstition, and when the Vanity of superior Penetration made them ashamed literally to believe those Tenets, which popular Prejudice would not suffer them utterly to renounce.

Instances in Support of this Argument might perhaps, without a Strain, be drawn even from ſome Parts of the Holy Scriptures: And here the Account of the Scape-Goat, in the Laws of Moſes, offers itſelf for that Purpoſe with the greater Propriety, as it is not altogether diſſimilar to a particular Inſtitute of the Gentoos. The inſpired Author, after deſcribing the preliminary Ceremonies of this Sacrifice, proceeds thus:

"And Aaron ſhall lay both his Hands upon the Head of the
"Scape-Goat, and confeſs over him all the Iniquities of the Chil-
"dren of Iſrael, and all their Tranſgreſſions in all their Sins,
"putting them upon the Head of the Goat, and ſhall ſend him
"away by the Hand of a fit Man into the Wilderneſs: And the
"Goat ſhall bear upon him all their Iniquities unto a Land not in-
"habited; and he ſhall let go the Goat in the Wilderneſs."

The Jews, at the Period when this Ceremony was ordained, were very little removed from a State of Barbariſm: Groſs in their Conceptions, illiterate in their Education, and uncultivated in their Manners; they were by no Means fit Subjects for the Comprehenſion of a Myſtery; and doubtleſs, at that Time, believed that their Crimes were thus really and *bonâ fide* laid upon the Head of the Victim: Yet the more Wiſe, in ſucceeding Ages, might well ſtart from ſuch a Prejudice, and rightly conceive it to be a typical Repreſentation of the Doctrine of Abſolution.

Hence it may be underſtood, that what has been herein advanced does not mean to ſet aſide the Improvements of Philoſophy, or to deny the occaſional Employment of Allegory, but merely to eſtabliſh one plain Poſition, that Religion in general, at its Origin, is believed literally as it is profeſſed, and that it is afterwards rather refined by the Learned than debaſed by the Ignorant.

The Gentoo Ceremony, which was hinted at as bearing a remote Likeneſs to the Sacrifice of the Scape-Goat, is the Aſhummeed Jugg, of which a moſt abſurd and fabulous Explanation may be found in the Body of the Code: Yet, unnatural as the Account there ſtands, it is ſeriouſly credited by the Hindoos of all Denominations, except perhaps a few Individuals, who, by the Variety and Contradictions of their ſeveral allegorical Interpretations, have mutually precluded each other from all Pretenſions to Infallibility.

That the Curious may form ſome Idea of this Gentoo Sacrifice when reduced to a Symbol, as well as from the ſubſequent plain Account given of it in a Chapter of the Code, an Explanation of it is here inſerted from Dārul Shekûh's famous Perſian Tranſlation of ſome Commentaries upon the Four Beids, or original Scriptures of Hindoſtan: The Work itſelf is extremely ſcarce, and perhaps of dubious Authenticity; and it was by mere Accident that this little Specimen was procured.

*Explanation.*

## *Explanation of the Ashummeed Jugg.*

" THE Ashummeed Jugg does not merely consist in the Per-
" formance of that Ceremony which is open to the Inspection of
" the World, namely, in bringing a Horse and sacrificing him;
" but Ashummeed is to be taken in a mystic Signification, as im-
" plying, that the Sacrificer must look upon himself to be typified in
" that Horse, such as he shall be described, because the religious
" Duty of the Ashummeed Jugg comprehends all those other reli-
" gious Duties, to the Performance of which all the Wise and Ho-
" ly direct all their Actions, and by which all the sincere Profes-
" sors of every different Faith aim at Perfection: The mystic
" Signification thereof is as follows: The Head of that unble-
" mished Horse is the Symbol of the Morning, his Eyes are the
" Sun; his Breath the Wind; his wide-opening Mouth is the
" Bishwāner, or that innate Warmth which invigorates all the
" World; his Body typifies one entire Year; his Back Paradise;
" his Belly the Plains; his Hoof this Earth; his Sides the four
" Quarters of the Heavens; the Bones thereof the intermediate
" Spaces between the four Quarters; the Rest of his Limbs repre-
" sent all distinct Matter; the Places where those Limbs meet, or
" his Joints, imply the Months and Halves of the Months, which
" are called Pěchě (or Fortnights;) his Feet signify Night and
" Day; and Night and Day are of four Kinds: 1st. The Night and
" Day of Brihmā; 2d. The Night and Day of Angels; 3d. The
" Night and Day of the World of the Spirits of deceased Ances-
" tors;

" tors; 4th. The Night and Day of Mortals: These four Kinds are
" typified in his four Feet. The Rest of his Bones are the Constel-
" lations of the fixed Stars, which are the twenty-eight Stages of the
" Moon's Course, called the Lunar Year; his Flesh is the Clouds;
" his Food the Sand; his Tendons the Rivers; his Spleen and
" Liver the Mountains; the Hair of his Body the Vegetables, and
" his long Hair the Trees; the Forepart of his Body typifies the
" first Half of the Day, and the hinder Part the latter Half; his
" Yawning is the Flash of the Lightning, and his turning himself
" is the Thunder of the Cloud; his Urine represents the Rain;
" and his mental Reflection is his only Speech. The golden Ves-
" sels which are prepared before the Horse is let loose are the
" Light of the Day, and the Place where those Vessels are kept is
" a Type of the Ocean of the East; the silver Vessels which are
" prepared after the Horse is let loose are the Light of the
" Night, and the Place where those Vessels are kept is a Type of
" the Ocean of the West: These two Sorts of Vessels are always
" before and after the Horse.—The Arabian Horse, which on Ac-
" count of his Swiftness is called Hy, is the Performer of the
" Journies of Angels; the Tājee, which is of the Race of Persian
" Horses, is the Performer of the Journies of the Kundherps (or
" good Spirits;) the Wāzbā, which is of the Race of the deformed
" Tāzee Horses, is the Performer of the Journies of the Jins (or
" Demons;) and the Ashoo, which is of the Race of Turkish
" Horses, is the Performer of the Journies of Mankind: This one
" Horse, which performs these several Services, on Account of his

" four different Sorts of Riders, obtains the four different Ap-
" pellations: The Place where this Horſe remains is the great
" Ocean, which ſignifies the great Spirit of Perm-Atmā, or the
" univerſal Soul, which proceeds alſo from that Perm-Atmā, and
" is comprehended in the ſame Perm-Atmā. The Intent of this
" Sacrifice is, that a Man ſhould conſider himſelf to be in the
" Place of that Horſe, and look upon all theſe Articles as typified
" in himſelf; and, conceiving the Atmā (or divine Soul) to be an
" Ocean, ſhould let all Thought of Self be abſorbed in that Atmā."

This is the very Acmē and Enthuſiaſm of Allegory, and wonderfully diſplays the picturesque Powers of Fancy in an Aſiatic Genius. But it would not have been inſerted at Length in this Place, if the Circumſtance of letting looſe the Horſe had not ſeemed to bear a great Reſemblance to the Ceremonies of the Scape-Goat; and perhaps the known Intention of this latter may plead for the like hidden Meaning in the former. But to quit this Digreſſion. — The real Appellations of the Country and of the Inhabitants of Hindoſtan, by which they are conſtantly denominated in the ancient Writings of the Natives, ſeem hitherto to have eſcaped the Notice of the Weſtern World.

Hindostan is a Perſian Word, equally unknown to the old and modern Shanſcrit, compounded of Stān, a Region, and the Word Hind, or Hindoo: Probably Colonel Dow's elegant Tranſlation of Feriſhteh's Hiſtory gives us the true Derivation, in that Author's

 Conjecture,

Conjecture, that it is taken from Hind, a ſuppoſed Son of Ham, the Son of Noah; and, whatever Antiquity the Indians may aſſert for themſelves (of which ſome Notice will ſubſequently be taken) the Perſians, we believe, will reſt contented to allow, that the firſt Intercourſe between the two Nations commenced in the third Deſcent from the Deluge. But, if this Definition were rejected, the common Opinion, that India was ſo named by Foreigners after the River Indus, is by no Means repugnant to Probability: In the Shanſcrit however, Hindoſtan is conſtantly denominated Bhertekhunt, or Jumboodeep (as it is hereafter called in the preſent Work, from Jumboo, or Jumbook, a Jackall, an Animal remarkably abundant in this Country, and Deep, any large Portion of Land ſurrounded by the Sea.) Khunt ſignifies a Continent, or wide Tract of Land, and Bhĕrrut is the Name of one of the firſt Indian Rajahs, whoſe Name was adopted for that of the Kingdom: Hindoo therefore is not the Term by which the Inhabitants originally ſtiled themſelves, but, according to the Idiom of their Language, Jumboodeepee, or Bhĕrtekhuntee; and it is only ſince the Æra of the Tartar Government that they have aſſumed the Name of Hindoos, to diſtinguiſh themſelves from their Conquerors, the Muſſulmen. The Word Gentoo has been, and is ſtill, equally miſtaken to ſignify, in the proper Senſe of the Term, the Profeſſors of the Braminical Religion, whereas Gent, or Gentoo, means Animal in general, and in its more confined Senſe, Mankind; but is never, in the Shanſcrit Dialect, nor even in the modern Jargon of Bengal, appropriated particularly to ſuch as follow the Doctrines of Brihmā. The four great Tribes

 have

have each their own ſeparate Appellation ; but they have no common or collective Term that comprehends the whole Nation under the Idea affixed by Europeans to the Word Gentoo. Poſſibly the Portugueſe on their firſt Arrival in India, hearing the Word frequently in the Mouths of the Natives as applied to Mankind in general, might adopt it for the domeſtic Appellation of the Indians themſelves; perhaps alſo their Bigotry might force from the Word Gentoo a fanciful Alluſion to Gentile, a Pagan.

The Shanſcrit Language is very copious and nervous, but the Style of the beſt Authors wonderfully conciſe. It far exceeds the Greek and Arabick in the Regularity of its Etymology, and like them has a prodigious Number of Derivatives from each primary Root. The grammatical Rules alſo are numerous and difficult, though there are not many Anomalies. As one Inſtance of the Truth of this Aſſertion, it may be obſerved, that there are ſeven Declenſions of Nouns, all uſed in the ſingular, the dual, and the plural Number, and all of them differently formed, according as they terminate with a Conſonant, with a long or a ſhort Vowel; and again different alſo as they are of different Genders: Not a Nominative Caſe can be formed to any one of theſe Nouns, without the Application of at leaſt four Rules, which differ likewiſe with each particular Difference of the Nouns as above ſtated: Add to this, that every Word in the Language may be uſed through all the ſeven Declenſions, and there needs no farther Proof of the Difficulty of the Idiom.

The

The Shanſcrit Grammars are called Beeākĕrun, of which there are many compoſed by different Authors; ſome too abſtruſe even for the Comprehenſion of moſt Bramins, and others too prolix to be ever uſed but as References. One of the ſhorteſt, named the Sărăſootee, contains between two and three hundred Pages, and was compiled by Anoŏbhōōtēē Seroopĕṇām Achārige, with a Conciſeneſs that can ſcarcely be parallelled in any other Language.

The Shanſcrit Alphabet contains fifty Letters, and it is one Boaſt of the Bramins that it exceeds all other Alphabets in this Reſpect: But when we conſider that of their thirty-four Conſonants near Half carry combined Sounds, and that ſix of their Vowels are merely the correſpondent long Ones to as many which are ſhort, the Advantage ſeems to be little more than fanciful.

The Shanſcrit Character, uſed in Upper Hindoſtan, is ſaid to be the ſame original Letter that was firſt delivered to the People by Brihmā, and is now called Diewnāgur, or the Language of Angels; whereas the Character uſed by the Bramins of Bengal is by no Means ſo ancient, and though ſomewhat different is evidently a Corruption of the former, as will better appear upon Compariſon, for which Reaſon the Alphabets of both are here inſerted. †

† See Plates No. 1, and No. 2.

SHANSCRIT ALPHABET. **VOWELS.** Plate I. *Translator's preface page XXIV.*

अ *ĕ* आ *ā* इ *ĕē* ई *ēē* उ *ŏŏ* ऊ *ōō* ऋ *rĕe* ॠ *rēē*

ऌ *lrĕ* ॡ *lrēē* ए *aĕ* ऐ *ī* ओ *ō* औ *ōū* अं *ung or um* अः *ēh*

* ung thō it be not a Vowel, is always ranked in this Series.

## CONSONANTS.

क *kĕ* ख *khĕ* ग *gĕ* घ *ghĕ* ङ *ngĕ* च *chĕ* छ *chhĕ* ज *jĕ* झ *jhĕ* ञ *gnyĕ*

ट *tĕ* ठ *t,hĕ* ड *dĕ* ढ *d,hĕ* ण *nĕ* त *tĕ* थ *t,hĕ* द *dĕ* ध *d,hĕ* न *nĕ*

प *pĕ* फ *p,hĕ* ब *bĕ* भ *bhĕ* म *mĕ* य *yĕ* र *rĕ* ल *lĕ* व *wĕ*

श *shĕ* ष *shĕ* स *sĕ* ह *hĕ* क्ष *khyĕ*

## CONNECTED VOWELS.

* क *kĕ* का *kā* कि *kĕē* की *kēē* कु *kŏŏ* कू *kōō*

के *kaĕ* कै *kī* को *kō* कौ *kōū* कं *kung* कः *kēh*

* *The short vowel or half tone ĕ is always included in every single consonant & pronounced with it to give it utterance but when a compound Letter is formed by the conjunction of two Consonants the first of them loses this short Vowel.*

[illegible]

BENGAL ALPHABET **VOWELS.** Plate II. *Translator's preface page XXIV.*

অ *ĕ* আ *ā* ই *ĕĕ* ঈ *ēē* উ *ŏŏ* ঊ *ōō* ঋ *rĕĕ* ৠ *rēē*

ঌ *lĕĕ* ৡ *lrēē* এ *aĕ* ঐ *ī* ও *ō* ঔ *ōū* অং *ung* অঃ *ĕh*

## CONSONANTS.

ক *kĕ* খ *khĕ* গ *gĕ* ঘ *ghĕ* ঙ *ŭyŏh* চ *chĕ* ছ *chhĕ* জ *jĕ* ঝ *jhĕ* ঞ *ōŏch*

ট *tĕ* ঠ *t,hĕ* ড *dĕ* ঢ *d,hĕ* ণ *ănnoh* ত *tĕ* থ *t,hĕ* দ *dĕ* ধ *d,hĕ* ন *nŭh*

প *pĕ* ফ *phe* ব *bĕ* ভ *b,he* ম *mĕ* য *yĕ* র *rĕ* ল *lĕ* ব *wĕ*

শ *shĕ* ষ *shĕ* স *sĕ* হ *hĕ* ক্ষ *khyĕ*

## CONNECTED VOWELS.

ক *kĕ* কা *kā* কি *kĕĕ* কী *kēē* কু *kŏŏ* কূ *kōō*

কে *kaĕ* কৈ *kī* কো *kō* কৌ *kōū* কং *kung* কঃ *kĕh*

To rank rĕĕ and lĕĕ among the Vowels may perhaps be cenſured as unnatural; we can only ſay, that being Liquids, they partake in ſome ſmall Meaſure of the Vowel, and that to an European Ear it ſeems equally extraordinary to find the Perſian and Arabic ع ain to be a Conſonant. It will alſo be obſerved in the preceding Alphabets, that the Vowels have different Forms when combined with Conſonants from thoſe they bear when unconnected.

In the Four Beids (the original and ſacred Text of the great Hindoo Creator and Legiſlator Brihmā) the Length of the Vowels is determined and pointed out by a muſical Note or Sign, called Mātrāng (implying one whole Tone) which is placed over every Word; and in reading the Beids theſe Diſtinctions of Tone and Time muſt be nicely obſerved; the Account of this Modulation as given in the Shanſcrit Grammar, called Sărăſootee, is here tranſlated.

" The Vowels are of three Sorts, ſhort, long, and continued (or to uſe a more muſical Term, holding.) " The Chāſh (a ſmall Bird " peculiar to Hindoſtan) utters one Mātrāng, the Crow two Mā- " trāngs, and the Peacock three Mātrāngs; the Mouſe Half a Mā- " trāng. One Mātrāng is the ſhort Vowel, two Mātrāngs the long " Vowel, and three Mātrāngs the continued: A Conſonant with- " out a Vowel has the Half Mātrāng. Theſe Vowels are again to be " diſtinguiſhed by a high Note for the one Mātrāng, a low Note for " the two Mātrāngs, and an Intermediate or Tenor for the three " Mātrāngs, either with Naſals or Gutturals. ēē, ēī, ō, ōū, are Dip-

" thongs, and cannot be ſhort; but theſe four, together with the " other five, ĕ, ĕĕ, ŏŏ, rĕĕ, lĕĕ, are to be taken as Vowels."

It has been mentioned that theſe Diſtinctions are all marked in the Beids, and muſt be modulated accordingly, ſo that they produce all the Effect of a laboured Recitative; but by an Attention to the Muſic of the Chant, the Senſe of the Paſſage recited equally eſcapes the Reader and the Audience. It is remarkable, that the Jews in their Synagogues chant the Pentateuch in the ſame Kind of Melody, and it is ſuppoſed that this Uſage has deſcended to them from the remoteſt Ages.

To give ſome faint Idea of theſe arbitrary Notes, a Line is here inſerted with the ſeveral Mātrāngs. †

Tĕſĕ mŏŏndĕĕ Krēēlĕ bĕdĕrōō bĕdĕrōō bĕdĕrōō.

The laſt Syllable of the Word bĕdĕrōō with three Mātrāngs is held for near a Minute, gradually ſinking, and then ſwelling out with a freſh Rinforza to mark each Mātrāng.

The Shanſcrit Poetry comprehends a very great Variety of different Metres, of which the moſt common are theſe:

The Munnee hurreneh Chhund, or Line of twelve or nineteen Syllables, which is ſcanned by three Syllables in a Foot, and the moſt approved Foot is the Anapæſt.

The Cābee Chhund, or Line of eleven Syllables.

† See Plate No. 3. Line 1.

The

Plate III. *Translator's preface page XXVI*

नमस्तेडि क्षीलवदत्र वदत्र वदत्र

पिताचऋणवानशत्रुः

मानाशत्रुरशीलिनी

भार्यारूपवतीशत्रुः

पुत्रःशत्रुरपंडितः

ASHLOGUE.

PAGE XXVIII.

उतवातेनिधिशोकयातिनतलेध्यानागिरेर्धीनवो

निस्तीर्णाम्भरितोपतिर्नृपतयोर्येत्न्नेनसंतोषिता ॥

मेत्राराधनतत्परेणमनसानीतापुमशानेनिशाः ॥

आशाकापिवरादिकानचमयात्तृष्णेसकामाभव १

ASHLOGUE. PAGE XXVIII

शशिनाचनिशानिशयाचशशी

शशिनानिशयाचविभातिनभः

पयसाकमलंकमलेनपयः ॥

पयसाकमलेनविभातिसरः २

ASHLOGUE.

PAGE XXIX.

Bas...

The Anûſhtofe Chhund, or Line of eight Syllables.

The Poems are generally compoſed in Stanzas of four Lines, called Aſhlogues, which are regular or irregular.

The moſt common Aſhlogue is that of the Anûſhtofe Chhund, or regular Stanza of eight Syllables in each Line. In this Meaſure greateſt Part of the Māhābāret is compoſed. The Rhyme in this Kind of Stanza ſhould be alternate; but the Poets do not ſeem to be very nice in the Obſervance of a ſtrict Correſpondence in the Sounds of the terminating Syllables, provided the Feet of the Verſe are accurately kept.

This ſhort Anûſhtofe Aſhlogue is generally written by two Verſes in one Line, with a Pauſe between, ſo that the whole then aſſumes the Form of a long Diſtich.

The irregular Stanza is conſtantly called Aryāchhund, of whatever Kind of Irregularity it may happen to conſiſt. It is moſt commonly compounded of the long Line Cābee Chhund, and the ſhort Anûſhtofe Chhund alternately; in which Form it bears ſome Reſemblance to the moſt common Lyrick Meaſure of the Engliſh.

It will in this Place be pardonable to quote a few Stanzas of Shanſcrit Poetry, as Examples of the ſhort Account here given of its

 Proſody.

Profody. The Specimens give us no defpicable Idea of the old Hindoo Bards. The Images are in general lively and pleafing, the Diction elegant and concife, and the Metre not inharmonious.

*An Afhlogue Anûfhtofe Chhund, or regular, of eight Syllables in each Line.**

Pĕētā chĕ rĕēnĕwān fhĕtrōōh.
Mātā fhĕtrŏŏ rĕfhēēlĕēnēē
Bhāryā rōōpĕwĕtēē fhĕtrōōh
Pŏŏtrēh fhĕtrŏŏ rĕpundĕētēh.

A Father in Debt is an Enemy (to his Son.)
A Mother of fcandalous Behaviour is an Enemy (to her Son.)
A Wife of a beautiful Figure is an Enemy (to her Hufband.)
A Son of no Learning is an Enemy (to his Parents.)

These Verfes are regular dimeter Iambicks.

*An Afhlogue Munnee hurreneh Chhund, or of nineteen Syllables.*‡

Oŏtkhātum nĕĕdhĕĕ fhungkĕyā khyĕĕtĕĕ tĕlum dhonātā gĕĕrēēr-dhātĕwō
Nĕĕftēērnĕ fsĕrĕētām pĕtĕĕr nrĕēpĕtĕyōr yĕtâênĕ fungtōfhĕĕtāh
Muntr' ārādhĕnĕ tĕtpĕrâênĕ mĕnĕfā nēētā fhmĕfhānâê nĕĕfhāh
Prāptā kapĕĕ wĕrātĕēkā nĕchĕ mĕyā trĕĕfhnâê fĕkāmā bhĕwĕ.

* See Plate No. 3. ‡ Ibid.

From

From the inſatiable Deſire of Riches, I have digged beneath the Earth; I have ſought by Chymiſtry to tranſmute the Metals of the Mountains.

I have traverſed the Queen of the Oceans; I have toiled inceſſant for the Gratification of Monarchs.

I have renounced the World, to give up my whole Heart to the Study of Incantations; I have paſſed whole Nights on the Places where the Dead are burnt. ——

I have not gained one Cowry. — Begone, O Avarice, thy Buſineſs is over.

*An Aſhlogue Munnee hurreneh Chhund, or of twelve Syllables.**

Shĕſhĕĕnā chĕ nĕĕſhā nĕĕſhĕyāchĕ ſhĕſhēē
Shĕſhĕĕnā nĕĕſhĕyā chĕ wĕĕbhātĕĕ nĕbhēh
Pĕyĕſā kĕmĕlum kĕmĕlâênĕ pĕyēh
Pĕyĕſā kĕmĕlâênĕ wĕĕbhātĕĕ ſĕrēh.

The Night is for the Moon, and the Moon is for the Night:

When the Moon and the Night are together, it is the Glory of the Heavens.

The Lotus, or Water-Lilly, is for the Stream, and the Stream is for the Water-Lilly:

When the Stream and the Water-Lilly meet, it is the Glory of the Canal.

* See Plate No. 3.

This Species of Compoſition is called Kŏŏndĕlēē Chhund, from Kŏŏndĕlēē, a Circle, and anſwers nearly to the Word Rondeau, which Sort of Verſe it exactly imitates.

Almost every Foot in this beautiful Stanza is a pure Anapæſt.

*Three Aſhlogues Aryāchhund, or irregular, from a Collection of Poems.* *

1.

Swĕjĕnō nĕyātĕĕ wīrum
Pĕrĕhĕĕtĕ bŏŏddhĕĕr wĕĕnāſhĕ kālâêpĕĕ
Chhâêdâêpĕĕ chundĕnĕ tĕrōō
Sŏŏrĕbhĕyĕtĕĕ mŏŏkhum kŏŏt, hārĕſyĕ.

A good Man goes not upon Enmity,
But is well inclined towards another, even while he is ill-treated by him:
So, even while the Sandal-Tree is felling,
It imparts to the Edge of the Axe its aromatic Flavour.

2.

Yĕdyĕpĕĕ nĕ bhĕwĕtĕĕ hānĕĕ
Pĕrĕkēēyām chĕrĕtĕĕ rāſĕbhēē drākhyām
Eſĕmunjĕſĕ mĕĕtĕĕ mĕtwā
Tĕthāpĕĕ khĕlŏŏ khādyĕtâê chĕndrēh.

* See Plate No. 4.

So

## THREE ASHLOGUES.

स्वजनोनयातिवैरं
परहितबुद्धिविनाशकालेपि
छेदेपिचंदनतरुः
सुरभयतिमुखंकुठारस्य १

यद्यपिनभवतिहानि
परकीयांचरतिरासभोद्राक्षां
असमंजसमितिमत्वा
तथापिखलुखिद्यतेचेतः २

सज्जनस्यहृदयंनवनीतं
यद्वदंतिविबुधास्तदलीकं
अन्यदेहविलसत्परितापात
सज्जनोद्रवतिनोनवनीतं ।३।

So long as there is no Danger,
The Afs will eat a Stranger's Vine ;
So, not confcious of receiving any Hurt,
The Dragon * ftill attempts to devour the Moon.

* Alluding to the Gentoos Ideas of an Eclipfe.

*⁎* This Stanza has been quoted in a former Publication as a Specimen of the Reig Beid.

3.

Sĕjjĕnŭfyĕ hrĕĕdĕyum nĕwĕnēētum
Yĕdwĕduntĕĕ wĕĕbŏŏdhā ftĕdĕlēēkum
Enyĕdâêhĕ wĕĕlĕfĕt pĕrĕĕtāpāt
Sĕjjĕnō drĕwĕtĕĕ nō nĕwĕnēētum.

The good Man's Heart is like Butter,
The Poets fay, but herein they are miftaken :
Upon beholding anothers Life expofed to Calamities,
The good Man melts ; — ‡ but it is not fo with Butter.

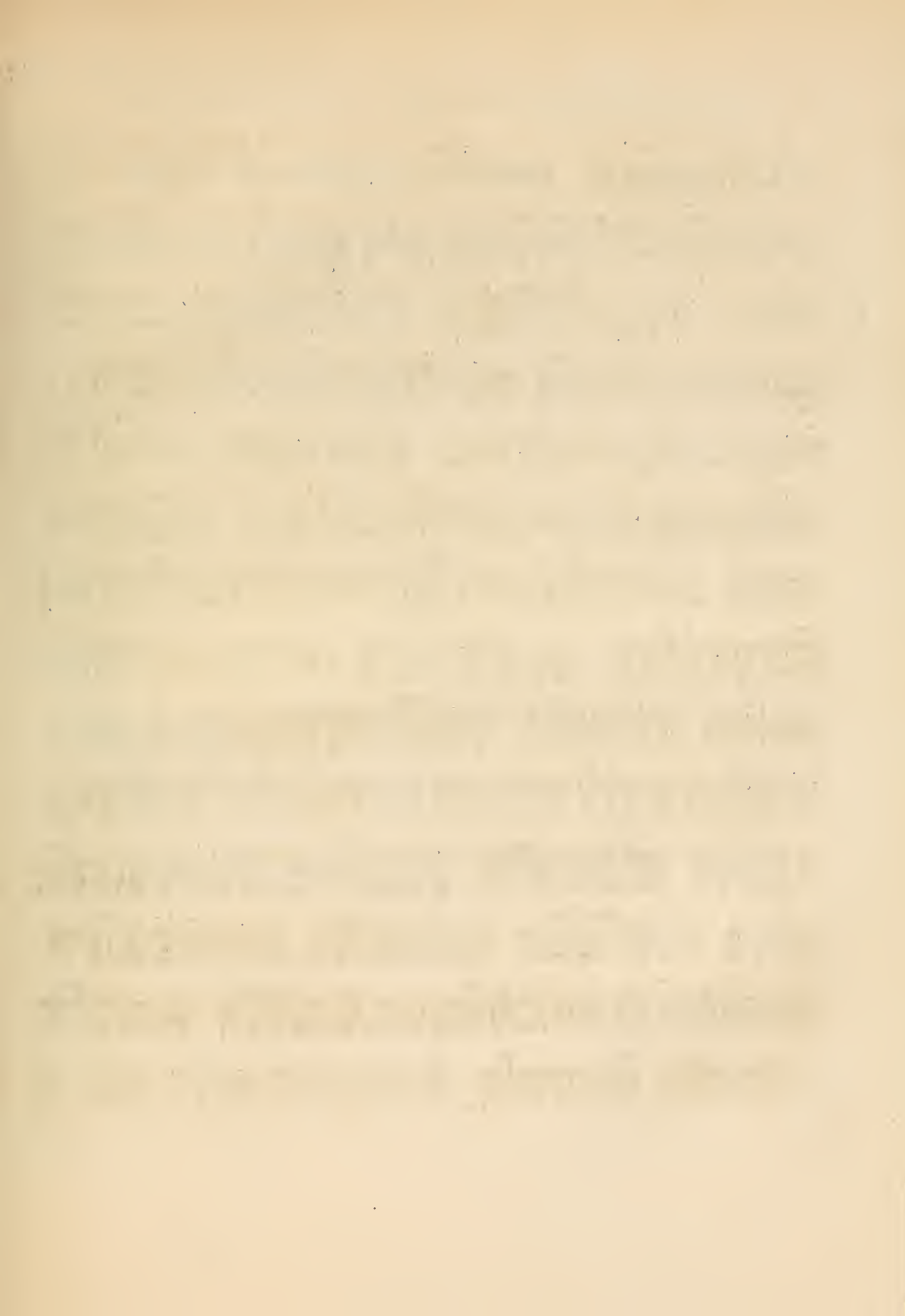
‡ That is, the Simile is not juft, becaufe it does not exprefs the Powers of Sympathy, which are the characteriftic Part of the good Man's Difpofition.

The Four Beids are not in Verfe, as has been hitherto erroneoufly imagined, but in a Kind of meafured Profe, called Pungtee Chhund : The Tranflator is therefore obliged to obferve, that an Author of much Merit has, by wrong Information, been induced

to

to offer four Stanzas as Specimens of the ſeveral Beids, which have not the leaſt Affinity or Similitude to thoſe Books: His firſt Stanza is very faulty, and without an Interpretation: But, as a Proof that it cannot belong to the Beids, it has already been quoted in the Specimen of the Aſhlogue Aryāchhund, together with the Stanzas immediately preceding and following, which are taken from a Work called Kāyāprĕkāſh (or a Collection of Poems) ſaid to have been compoſed by one Kiyăt, in the third Age of the World.

FROM the many obſolete Terms uſed in the Beids, from the Conciſeneſs and Obſcurity of their Dialect, and from the Particularity of the Modulation in which they muſt be recited, they are now hardly intelligible: Very few of the moſt learned Pundits, and thoſe only who have employed many Years of painful Study upon this one Taſk, pretend to have the ſmalleſt Knowledge of the Originals, which are now alſo become extremely ſcarce and difficult to be found; but Comments have been written on them from the earlieſt Periods; whereof one of the moſt ancient and moſt orthodox was compoſed by Biſeſht Mahāmoonee, or the moſt Wiſe, a great Writer and Prophet, who is ſaid to have lived in the Suttee Jogue, or firſt Age of the World, and from whom Beāſs, the celebrated Author of the heroic Poem Mahābāret, boaſted his Deſcent.

THE Style of this Writer is clear, but very conciſe; a Specimen of it is here offered, in his Explanation of the firſt Chapter of the Reig Beid, which contains a Deſcription of the Wiſdom and Powers of the Almighty.

## CHAPTER OF BISESHT MAHAMONEE.

श्रीगणेशायनमः समस्तविषयवासनाविनिर्मुक्तः सप
रमहंसकेवलेनिर्विशेषब्रह्मचिंतनमात्रेवतिष्ठतिसप
रमहंसः यत्रकुत्रचितिष्ठति तत्रादौऋग्वेदस्यप्रज्ञानब्र
ह्मस्यव्याख्यानंक्रियते एकमेवाद्वितीयंब्रह्मेतिसिद्धांतः।
प्रज्ञानेस्वतश्चैतन्येतद्विशेषाः अनेकप्रकाराः तन्मध्ये य
थावेद्व्यानुसारेणव्याख्यानंक्रियते प्रकृष्टं उत्कृष्टंज्ञानं
प्रज्ञानं उपाधिरहितेस्वतश्चैतन्येकालत्रयरहिते अव
स्थात्रयरहिते प्रपंचविनिर्मुक्ते स्वतंत्रेज्ञानेतत्प्रज्ञानं
नामधेयं ब्रह्मभवति यज्ज्ञानेनत्वमायाचैतन्यंभवति
यज्ज्ञानेनचतुर्विंशतितत्त्वंचैतन्यंभवति किमिवसूर्य
चक्षुरिव अग्निपात्रमिव तुंबकलोहमिव सूत्रधारचि
त्रमिव काष्ठाग्निरिव पुरुषच्छायेव अमुनाप्रकारेण
चैतन्यंसमस्तजगत्प्रपंचोत्पादकंकरोति ज्ञानशक्ति
इच्छाशक्ति क्रियाशक्ति चैतन्यंजगदाकारंभवति अ

Basire sc.

# CHAPTER OF BISESHT CONTINUED.

तएवनिर्गतोंतः करणेन श्रोत्रद्वारेण शब्दग्रहणंकरोति
निर्गतोंतःकरणेनत्वचाद्वारेणस्पर्शग्रहणंकरोति नि
र्गतोंतःकरणेनचक्षुद्वारेणरूपग्रहणंकरोति निर्गतोंतः
करणेनजिह्वाद्वारेणरसग्रहणंकरोति निर्गतोंतः
करणेननासिकाद्वारेणगंधग्रहणंकरोति अतएव
पंचकर्मेंद्रियप्रेरकः पंचज्ञानेंद्रियप्रेरकः पंचमहाभू
तप्रेरकः पंचतन्मात्राणिप्रेरकः गुणत्रयप्रेरकःइत्या
दिसमस्तप्रपंचोत्पत्तिः प्रलयात्मककरोति जग
त्साक्षित्वेनपश्यति तत्प्रज्ञानेनाम ब्रह्मध्येयंभवति
तस्मात्प्रज्ञानशब्देनतद्ब्रह्मविशेषेण सर्वेश्वरःक
थ्यते तत्रसूत्रधारईश्वरः मायाविद्यानटीनृत्यंक
रोतिकठवनटइव ॥ इतिऋग्वेदस्य प्रज्ञानशब्दनिर्ण
यः ॥ ॥

## *Bisesht Mahāmoonee upon the Reig Beid.* *

Shrēē Gĕnâêshāyĕ nĕmēh! sĕmĕstĕ wĕĕshĕyĕ wāsĕnā vĕĕnĕĕrmŏŏk-tēh sĕ Pĕrĕmĕhumsĕ. Kâêwĕlum nĕĕrwĕĕshâê shĕ Brĕhmĕ chîngtĕnĕ mātrâêwĕ tĕĕshtĕtĕĕ sĕ Pĕrĕmĕhumsēh. Yĕtrĕ kŏŏtrĕ chĕĕttĕĕsh-tĕtĕĕ, tĕtr', ādôû Rĕĕgbâêdŭsyĕ Prĕgyānĕshĕbdŭsyĕ vyākhyānum krĕĕyĕtâê. âêkĕmaĕw' ādwĕĕtĕĕyum Brĕhmâêtĕĕ sĕĕddhāngtēh: Prĕgyānum swĕtĕshchītĕnyum tĕdwĕĕshâêshāh ĕnâêkĕ prĕkārāh; tĕnmĕdhyâê yĕt, hāwībbŏŏddhy' ānŏŏsārâênĕ vyākhyānum krĕĕyĕtâê. Prĕkrĕshtum ŏŏtkrĕshtum gyānum Prĕgyānum: ŏŏpād hĕĕ rĕhĕĕtum swĕtĕshchītĕnyum. Kālĕ trĕyĕ rĕhĕĕtum; ĕwĕst, hā trĕyĕ rĕhĕĕtum; prĕpunchĕ vĕĕnĕĕrmŏŏktum swĕtuntrum gyānum tĕt prĕgyānum nāmĕ dhâêyum Brĕhmĕ bhĕwĕtĕĕ. Yĕggyānaenĕ tŏŏ māyā chītĕnyum bhĕwĕtĕĕ, yegg yānâênĕ chĕtŏŏrvĭng shĕtĕĕ tĕtwum chītĕryum bhĕ-wĕtĕĕ, kĕĕmĕĕwĕ; sŏŏryĕs chĕkhyŏŏ rĕĕwĕ, ĕgnĕĕ pātrĕ mĕĕwĕ, chŏŏm bĕkĕ lōhĕ mĕĕwĕ, sōōtrĕdhārĕ chĕĕtrĕ mĕĕwĕ, kāsht' āgnĕĕ rĕĕwĕ, pŏŏrōōshĕ chhāyâêwĕ wātĕ râênŏŏ rĕĕwĕ, dhĕnŏŏrddhĕrĕ bānĕ ĕĕwĕ, brĕĕkyĕ chhāyâêwĕ; ĕmŏŏnā prĕkārâênĕ chītĕnyum sĕmĕstĕ jĕgĕt prĕpunch' ōtpādĕkum kĕrōtĕĕ, gyānĕshĕktĕĕ, ĕĕchhāshĕktĕĕ, krĕĕyāshĕktĕĕ, chītĕnyum jĕgĕtākārum bhĕwĕtĕĕ: ĕtĕ ăĕwĕ nĕĕr-gĕtāngtēh kĕrĕnâênĕ shrōtrĕ ddhārâênĕ shĕbdĕ grĕhĕnum kĕrōtĕĕ, nĕĕrgĕtāngtēh kĕrĕnâênĕ twĕĕhā dwārâênĕ spĕrshĕ grĕhĕnum kĕrō-tĕĕ, nĕĕrgĕtāngtēh kĕrĕnâênĕ chĕkhyŏŏ dwārâênĕ rōōpĕ grĕhĕnum kĕrōtĕĕ, nĕĕrgĕtāngtēh kĕrĕnâênĕ jĕĕhwā dwārâênĕ rĕsĕ grĕhĕnum kĕrōtĕĕ, nĕĕrgĕtāngtēh kĕrĕnâênĕ nāsĕĕkā dwārâênĕ gungdhĕ

* See Plates No. 5 and No. 6.

grĕhĕnum kĕrōtĕĕ; ĕtĕ âêwĕ punchĕ kĕrmĭngdrĕĕyĕ prâêrĕkēh, punchĕ gyānĭndrĕĕyē prâêrĕkēh, punchĕ mēhābhōōtĕ prâêrĕkēh, punchĕ tĕnmātrānĕĕ prâêrĕkēh, gŏŏnĕ trĕyĕ prâêrĕkēh ĕĕtyādĕĕ ſĕmĕſtĕ prĕpunch' ōtpĕttĕĕh prĕlĕyātmĕkum kĕrōtĕĕ, jĕgĕtſā-khyĕĕtwâênĕ pĕſhyĕtĕĕ. Tĕt prĕgyānum nāmĕ Brĕhmĕ dhyâêyum bhĕwĕtĕĕ, tĕſmāt prĕgyānĕ ſhĕbdâênĕ tĕd Brĕhmĕ wĕĕſhâêſhâênĕ ſĕrwâêſhĕrēh kĕt, hyĕtae; tĕbrĕ ſōōtrĕdhār' ēĕſhĕrēh māyā wĕĕdhyā nĕtēĕ nrĕĕtyum kĕrōtĕĕ kĕ-ĕĕwĕ nĕtĕ-ĕĕwĕ, ĕĕtĕĕ rĕĕgwâêdŭſyĕ prĕgyānĕ ſhĕbdĕnĕĕrnĕyēh.

## *Commentary of Biſeſht Mahāmoonee upon the* 1ſt *Chapter of the Reig Beid.*

† GLORY be to Goneiſh! That which is exempt from all Deſires of the Senſes, the ſame is the mighty Lord. He is ſingle, and than him there is Nothing greater. Brehm (the Spirit of God) is abſorbed in Self-Contemplation: The ſame is the mighty Lord, who is preſent in every Part of Space, whoſe Omniſcience, as expreſſed in the Reig Beid, I ſhall now explain.—Brehm is one, and to him there is no Second; ſuch is truly Brehm. His Omniſcience is ſelf-inſpired (or ſelf-intelligent) and its Comprehenſion includes every poſſible Species.—To illuſtrate this as far as I am able.—The moſt comprehenſive of all comprehenſive Faculties is

† An Invocation never omitted by a pious Gentoo upon the Commencement of any Buſineſs whatſoever.

Omni-

Omniſcience; and being ſelf-inſpired, it is ſubject to no * Accident of Mortality or Paſſion; of Vice †; to it the ‡ three Diſtinctions of Time are not; to it the three § Modes of Being are not; it is ſeparated from the Univerſe, and independent of all. This Omniſcience is named Brehm. By this Omniſcient Spirit, the Operations of God are enlivened; by this Spirit alſo, the || twenty-four Powers of Nature are animated. How is this? As the Eye by the Sun, as the Pot by the Fire, as Iron by the Magnet, as Variety of Imitations by the Mimic, as Fire by the Fuel, as the Shadow by the Man, as Duſt by the Wind, as the Arrow by the Spring of the Bow, and as the Shade by the Tree; ſo by this Spirit the World

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* Of which they reckon five, Conception, Birth, Growth, Decay and Death.

† In Number ſix, called Opādhee, viz. Luſt, Anger, Avarice, Folly, Drunkenneſs and Pride.

‡ The paſt, preſent and future.

§ To be awake, to ſleep and to be abſorbed in a State of Unconſciouſneſs—a Kind of Trance.

|| Viz. The five Elements (for the Hindoos add to the four a ſubtile Æther, which they call Akāſh, and ſuppoſe to be the Medium of Sound)
The five Members of Action, Hand, Foot, Tongue, Anus and Yard.
The five Members of Perception, Ear, Eye, Noſe, Mouth and Skin.
The five Senſes.
The three Diſpoſitions of the Mind, Deſire, Paſſion and Tranquillity.
Conſciouſneſs, or Self-Perception.

is endued with the Powers of Intellect, the Powers of the Will, and the Powers of Action; ſo that, if it emanates from the Heart by the Channel of the Ear, it cauſes the Perception of Sounds; if it emanates from the Heart by the Channel of the Skin, it cauſes the Perception of the Touch; if it emanates from the Heart by the Channel of the Eye, it cauſes the Perception of viſible Objects; if it emanates from the Heart by the Channel of the Tongue, it cauſes the Perception of Taſte; if it emanates from the Heart by the Channel of the Noſe, it cauſes the Perception of Smell. This alſo invigorating the five Members of Action, and invigorating the five Members of Perception, and invigorating the five Elements, and invigorating the five Senſes, and invigorating the three Diſpoſitions of the Mind, &c. cauſes the Creation or the Annihilation of the Univerſe; while itſelf beholds every Thing as an indifferent Spectator. Wherefore that Omniſcience thus centered in Brehm is called Serwaeſher (or the Lord of all;) and this Lord, as a Player doth, is perpetually ſhifting his Modes of Operation, by a Variety of Gradations, as the Dancer ſhifts his Steps.---Thus far the Doctrine of the Reig Beid.

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THE Tranſlator is conſcious, that this ſhort Account of the Shanſcrit is very defective and inſufficient; but he muſt plead in his own Defence, that very lately only, and that altogether by Accident, he was enabled to procure even this ſlender Information; that the Pundits who compiled the Code were to a Man reſolute in rejecting all his Solicitations for Inſtruction in this Dialect, and that the

 Perſuaſion

Perſuaſion and Influence of the Governor-General were in vain exerted to the ſame Purpoſe. However, ſince the Completion of his former Taſk, he has been happy enough to become acquainted with a Bramin of more liberal Sentiments, and of a more communicative Diſpoſition, joined to an extenſive Knowledge acquired both by Study and Travel: He eagerly embraced the Opportunity of profiting by the Help of ſo able a Maſter, and means to exert all his Diligence upon ſo curious and uncommon a Subject.

The Hindoos as well as the Chineſe have ever laid claim to an Antiquity infinitely more remote than is authorized by the Belief of the reſt of Mankind. It is certain however, that theſe two Nations have been acquainted with Letters from the very earlieſt Period, and that their Annals have never been diſturbed or deſtroyed by any known Revolution; and though we may come to the Peruſal of their Records, armed with every Argument, and fortified even to Prejudice againſt the Admiſſion of their Pretenſions, at the ſame Time placing the moſt implicit Reliance upon the Moſaic Chronology as generally received, yet their plauſible Accounts of thoſe remote Ages, and their undeviating Confidence in their own Aſſertions, never can fail to make ſome Impreſſion upon us, in proportion as we gain a clearer Inſight to them. Suſpicions of a like Nature are not totally without Foundation even in the Weſtern World; and the conſcientious Scruples of the Hiſtoriographer of Mount Ætna (as mentioned in a late * Publication) will always be of ſome Weight in the Scale of Philoſophy.

* Brydone's Letters.

The Hindoos then reckon the Duration of the World by four Jogues, or diſtinct Ages.

1. The Suttee Jogue (or Age of Purity) is ſaid to have laſted 3,200,000 Years; and they hold that the Life of Man was in that Age extended to 100,000 Years, and that his Stature was 21 Cubits.

2. The Tirtāh Jogue (or Age in which one third of Mankind were reprobate) they ſuppoſe to have conſiſted of 2,400,000 Years, and that Men then lived to the Age of 10,000 Years.

3. The Dwāpāār Jogue (in which Half of the human Race became depraved) endured 1,600,000 Years, and Mens Lives were reduced to 1000 Years.

4. The Collee Jogue (in which all Mankind are corrupted, or rather leſſened, for that is the true Meaning of Collee) is the preſent Æra, which they ſuppoſe ordained to ſubſiſt for 400,000 Years, of which near 5000 are already paſt, and Man's Life in this Period is limited to 100 Years.

Computation is loſt, and Conjecture overwhelmed in the Attempt to adjuſt ſuch aſtoniſhing Spaces of Time to our own confined Notions of the World's Epoch: To ſuch Antiquity the

Mosaic Creation is but as Yesterday; and to such Ages the Life of Methuselah is no more than a Span!—Absurd as this Gentoo Doctrine may seem, mere human Reason, upon Consideration of the present contracted Measure of Mortality, can no more reconcile to itself the Idea of Patriarchal than of Braminical Longevity; and when the Line of implicit Faith is once extended, we can never ascertain the precise Limits beyond which it must not pass. One Circumstance must not be omitted, that the Ages allotted to Mankind in the several Jogues by the Bramins tally very exactly with those mentioned by Moses, as far as the Chronology of the latter reaches. For the last Part of the Dwāpāār Jogue, in which Men are said to have attained to One Thousand Years of Life, corresponds with the Mosaic Æra of the Antediluvians: And in the Commencement of the Collee Jogue, which comes very near to the Period of the Deluge, the Portion of human Existence was contracted to One Hundred Years, and is seldom supposed even to go so far.

We are not much advanced in our Inquiries, by allowing with some excellent Authors, that most of the Gentoo Shasters (or Scriptures) were composed about the Beginning of the Collee Jogue; for then we at once come to the immediate Æra of the Flood, which Calamity is never once mentioned in those Shasters, and which yet we must think infinitely too remarkable to have been even but slightly spoken of, much less to have been totally omitted, had it even been known in that Part of the World. The Bramins indeed remove this Objection by two Assertions; One, that all their Scrip-

tures

tures were written before the Time by us allotted to Noah; the Other, that the Deluge really never took place in Hindoſtan.

But to wave theſe vague and indefinite Diſquiſitions, it will not here be ſuperfluous to quote a Paſſage or two from ſome of the moſt claſſical and authentic Shaſters, which expreſsly determine and fix the Dates of their reſpective Æras to the earlieſt Jogues.

The firſt Specimen here inſerted is from the Book of Munnoo, which the Reader will obſerve ſtands foremoſt in the Liſt of thoſe which furniſhed the ſubſequent Code; and though the ſecond Quotation is not ſo authoritative, as being the Production of a later Author (whoſe Name we do not recollect) in Teſtimony of the Date of another, yet Jage-Bulk is mentioned among the firſt Legiſlators, and his Books are valued for their Antiquity as well as their Excellence.

*An Aſhlogue Munnee hurreneh Chhund, or of Nineteen Syllables, from Munnoo.* †

Ebdānām dĕſhĕkum ſĕhĕſrĕ dĕſhĕkum yātum chĕ ſétyâê yoŏgâê
Bhādrâê māſĕĕ krĕĕtāmĕyāhĕĕ mĕnŏŏnā brĕhmā gyĕyā pōōrnĕĕmâê
Shāſtrum nēētĕĕ wĕĕchārĕ dhĕrmĕ jĕnĕkum gyānĕprĕdum ſĕrwĕdā
Bhōōrlōkâê hĕĕtĕkāmgĕyā mĕnŏŏprĕjā nāmā ſmrĕĕtĕĕr dēēpĕĕkā.

† See Plate No. 7.

When

## ASHLOGUES.

अब्दानांदशकं सहस्रदशकं यातंचसत्येयुगे

भाद्रे मासित्रिंहनामयादि मनुना ब्रह्माज्ञयाष्टमिमे

शास्त्रंनीतिविचारधर्मजनकं ज्ञानप्रदं सर्वदा

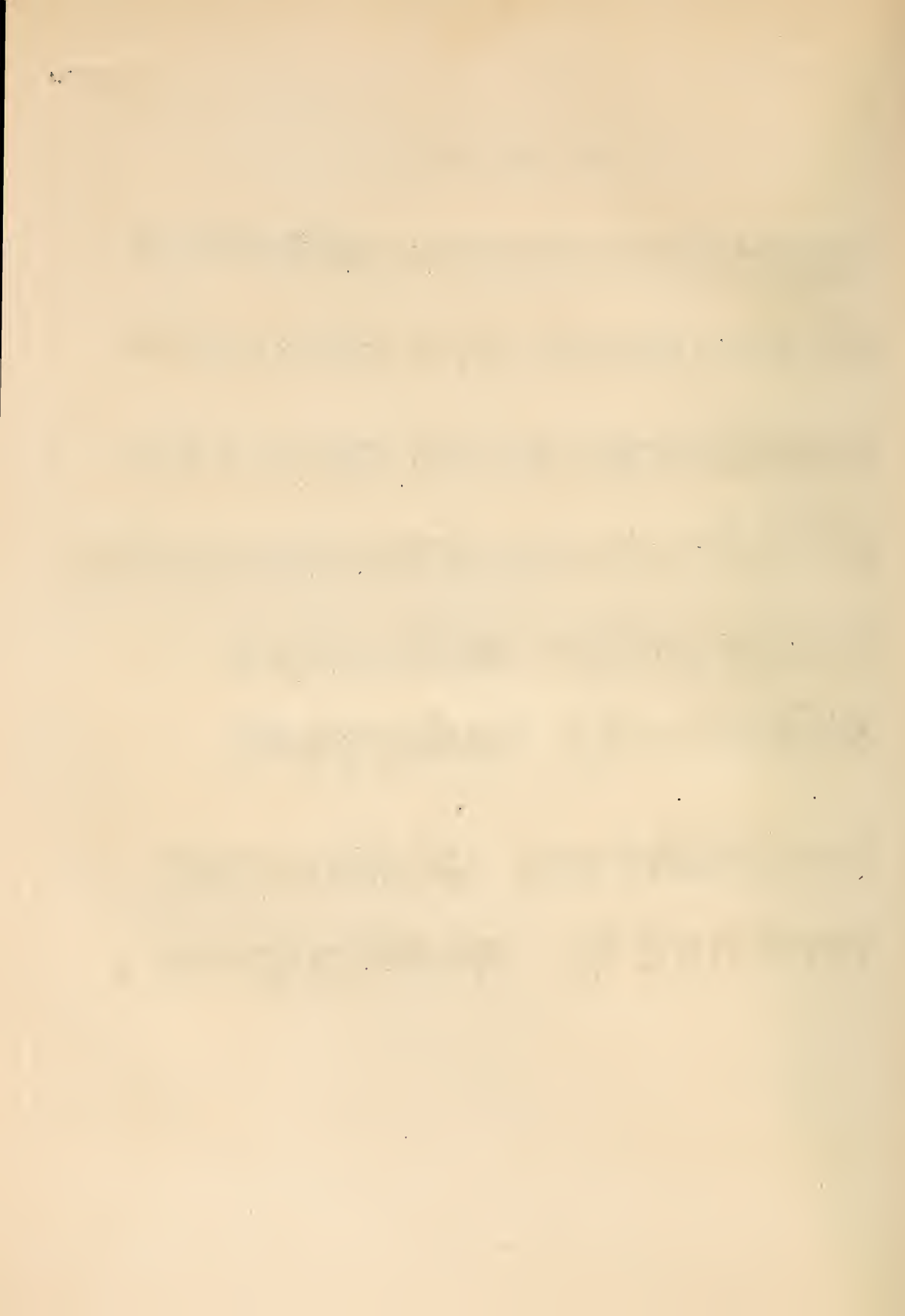
मूर्खलोकेहितकाम्ययामनुप्रजानामास्मृतिदीपिका

त्रेतायांयाज्ञवल्केन व्यतीतेनवपंचके *See page 41*

श्रावणेमासिशुक्लेवै पंचम्यांबुधवासरे

याज्ञवल्क्यमिदंशास्त्रं धर्मनीतिप्रकाशकं

राजनीतिप्रदंचैव नराणांहितकाम्यया ॥

*Basire Sc.*

WHEN ten thouſand and ten Years of the Suttee Jogue were paſt, on the Night of the Full Moon, in the Month Bhadun, I Munnoo, at the Command of Brehmā, finiſhed this Shaſter, that ſpeaks of Mens Duty, of Juſtice, and of Religion, ever inſtructive.

THIS Treatiſe, called Munnoo Smiſtee, will enlighten the World like a Torch.

*Two Aſhlogues Anûſhtoſe Chhund, or of eight Syllables, upon Jage-Bulk.* †

Trăĕtāyām yāgyĕwĕlkâênĕ
Shrāwĕnâê māſĕĕ ſhŏŏklâê chĕĕ
Yāgyĕwĕlky' ābhĕĕdum ſhāſtrum
Rājenēētĕĕ prĕĕdum chīwĕ.

Vyĕtēē tâê nĕwĕ punchĕkâê
Punchĕmyām bŏŏdhĕwāſĕrâê
Dhĕrmĕ nēētĕĕ prĕkāſhĕkum
Nĕrānām hĕĕtĕkāmyĕyā.

IN the Tirtāh Jogue, the Author Jage-Bulk, when ninety-five Years were paſt, in the Month of Sāwun, on the Moon's Increaſe, on the Wedneſday (or literally on the Day of *Mercury) finiſhed the Treatiſe,

† See Plate No. 7.

* It is very remarkable, that the Days of the Week are named in the Shanſcrit Language from the ſame Planets to which they were aſſigned by the Greeks and Romans.

| | | | |
|---|---|---|---|
| Audĕĕtyĕ Wār<br>Rēbēē Wār | Solis Dies. | Audĕĕtyĕ<br>Rēbēē | the Sun. |
| Sōmĕ Wār | Lunæ Dies. | Sōmĕ | the Moon. |
| Mungĕl Wār | Martis Dies. | Mungĕlĕ | Mars. |
| Bŏŏdhĕ Wār | Mercurii Dies. | Bŏŏdhĕ | Mercury. |
| Brĕĕhĕſpĕt Wār | Jovis Dies. | Brĕĕhĕſpĕt | Jupiter. |
| Shŏŏkrĕ Wār | Veneris Dies. | Shŏŏkrĕ | Venus. |
| Shĕnīſchĕr Wār | Saturni Dies. | Shĕnīſchĕr | Saturn. |

L called

called Jage-Bulk, which ſets forth the Offices of Religion, and alſo informs Men of the Duties of the Magiſtrate.

WHAT Periods ſhall we poſſibly aſſign to theſe Writers, if we diſallow the Authorities here quoted? If they are falſe, there muſt have been a Time when the Impoſition would have been too palpable to have paſſed upon Mankind, and when the concurrent Teſtimony of the whole World would have riſen up in Judgment againſt it; for if we grant Munnoo's Works to have been publiſhed during his own Life-Time, it is impoſſible that he ſhould have ventured to utter ſo monſtrous a Forgery; and if they were concealed till after his Death, could the Memory of his late Exiſtence be ſo ſhortly obliterated through the whole Country?—But ſuppoſing ſo much of the Book as relates to the Date to have been foiſted in by another, and afterwards produced as a Part of the original Text, which till that Time had lain undiſcovered, Nobody ſurely would have believed him in Oppoſition to the univerſal Faith! for ſo miraculous a Fiction could never gain Credit but upon the Support of ſome Principle of religious Opinion, and every Religion has eſtabliſhed a Chronology of its own: Beſides, can it be poſſible, that none of Munnoo's Cotemporaries, none of the ſucceeding Writers ſhould have recorded ſo ſtriking a Circumſtance? for if the whole Indian World had till that Time believed with us in a Chronology nearly anſwering to that of Moſes, ſo aſtoniſhing a Change in their Sentiments upon the Introduction of the Doctrine of the Jogues would have furniſhed ample Matter for a thouſand Volumes; but on the contrary, all the Parts of every

Shafter (however different from each other on religious Subjects) are yet uniform and confiftent throughout upon this; the fame Mode of computing their Annals has always obtained, and the fame Belief of the Remotenefs of Antiquity that now prevails may be proved to have been univerfally acknowledged, even at the Time in which fome pretend to fix the firft Appearance of Letters in Hindoftan.

RAJAH PRICHUTT, who though ranked as a modern on the Records of India, is yet known to have lived in the earlieft Ages of the Collee Jogue, was no lefs anxious than modern Philofophers are to pierce through the Obfcurity of Time, and to trace the Progrefs of the World from its Infancy; at his Inftigation a Work was compofed by Shŭkeh Diew, a learned Bramin (Son of Beäfs, the famous Author of the Mahābāret) containing the Hiftory of India through the three preceding Jogues, with the Succeffion of the feveral Rajahs, and the Duration of their Reigns. This curious Hiftory, called SHREE BHAGBUT, ftill fubfifts, divided into twelve Afcund or Books (literally Branches) and three thoufand and twenty Chapters. What fhall we fay to a Work compofed four thoufand Years ago, and from thence tracing Mankind upwards through feveral millions of Years? Muft we anfwer, that the Earth was at that Time an uninhabited Marfh, ftill flowly emerging from an univerfal Inundation?

GREAT furely and inexplicable muft be the Doubts of mere human Reafon upon fuch a Dilemma when unaffifted and uninformed by Divine Revelation; but while we admit the former in our Argument,

ment, we profefs a moft unfhaken Reliance upon the latter, before which every Sufpicion muft fubfide, and Scepticifm be abforbed in Conviction: Yet from the Premifes already eftablifhed, this Conclufion at leaft may fairly be deduced, that the World does not now contain Annals of more indifputable Antiquity than thofe delivered down by the ancient Bramins.

Collateral Proofs of this Antiquity may be drawn from every Page of the prefent Code of Laws, in its wonderful Correfpondence with many Parts of the Inftitutes of Mofes, one of the firft of known Legiflators; from whom we cannot poffibly find Grounds to fuppofe the Hindoos received the fmalleft Article of their Religion or Jurifprudence, though it is not utterly impoffible, that the Doctrines of Hindoftan might have been early tranfplanted into Egypt, and thus have become familiar to Mofes.

The Gentoos have in all Ages believed in the Tranfmigration of Souls, which they denominate Kāyāprĕwâêfh and Kāyāpĕlût: This latter literally anfwers to the Word Metempfychofis.—An ancient Shafter, called the Gēētā, written by Adhâê Doom, has a beautiful Stanza upon this Syftem of the Tranfmigration, which he compares to a Change of Drefs.

*An*

# A S H L O G U E.

वासांसिजीर्णानियथाविहाय
नवानिगृह्णातिनरोपराणि
तथाशरीराणिविहायजीर्णान्
अन्यानिसंयातिनवानिदेही

*Basire*

*An Ashlogue Cābee Chhund, or of eleven Syllables in each Line.* *

*On the Transmigration of Souls.*

Wāſāmſēĕ jēērnānĕĕ yĕt, hā wĕĕhāyĕ
Nĕwānēĕ grĕhnātĕĕ nĕrō pĕrānĕĕ,
Tĕt, hā ſhĕrēērānĕĕ wĕĕhāyĕ jēērnān
Enyānĕĕ ſumyātĕĕ nĕwānĕĕ dâêhēē.

As throwing aſide his old Habits,
A Man puts on others that are new,
So, our Lives quitting the Old,
Go to other newer Animals.

† An ingenious Author of our own has well explained their Ideas upon the Subject of a future State, though he laments at the ſame Time, that his Materials were too imperfect to afford complete Information.

Their Creed then is, that thoſe Souls which have attained to a certain Degree of Purity, either by the Innocence of their Manners, or the Severity of their Mortifications, are removed to Regions of Happineſs, proportioned to their reſpective Merits : But that thoſe who cannot ſo far ſurmount the Prevalence of bad Example,

* See Plate No. 8. † Mr. Holwell.

and the forcible Degeneracy of the Times, as to deferve fuch a Promotion, are condemned to undergo continual Punifhment in the Animation of fucceffive animal Forms, until at the ftated Period another Renovation of the four Jogues fhall commence upon the Diffolution of the prefent.

THEY fuppofe that there are fourteen Bhoobuns or Spheres, feven below and fix above the Earth; the feven inferior Worlds are faid to be altogether inhabited by an infinite Variety of Serpents, defcribed in every monftrous Figure that the Imagination can fuggeft; hence the Reafon why fuch particular Mention is made of Serpents in the Account of the Creation prefixed to this Code. The Earth is called Bhoor, and Mankind who inhabit it Bhoor-logue; an Inftance of which may be feen in the Stanza quoted from Munnoo: The Spheres gradually afcending from thence are,

1ft. BŌBUR, whofe Inhabitants are called the Bōbur-logue. 2d. The Swergeh-logue. 3d. The Mahurr-logue. 4th. The Junneh-logue. 5th. The Tuppeh-logue. 6th. The Suttee-logue.

THE Bōbur is the immediate Vault of the vifible Heavens, in which the Sun, Moon, and Stars are placed. The Swergeh is the firft Paradife and general Receptacle for thofe who merit a Removal from the lower Earth. The Mahurr-logue are the Fakeers, and fuch Perfons as by Dint of Prayer have acquired an extraordinary Degree of Sanctity. The Junneh-logue are alfo the Souls of pious

and moral Men; and beyond this Sphere they are not ſuppoſed to paſs without ſome uncommon Merits and Qualifications. The Sphere of Tuppeh is the Reward of thoſe who have all their Lives performed ſome wonderful Act of Penance and Mortification, or who have died Martyrs for their Religion. The Suttee or higheſt Sphere is the Reſidence of Brihmā and his particular Favourites, whence they are alſo called Brihmā-logue: This is the Place of Deſtination for thoſe Men who have never uttered a Falſehood during their whole Lives, and for thoſe Women who have voluntarily burned themſelves with their Huſbands. How ſhall we reconcile ſo ſplendid and exalted a Benediction pronounced upon this ſpontaneous Martyrdom, with the Aſſertion of an Author, that the Cuſtom for the Wives to burn themſelves with their Huſbands Bodies was never reckoned a religious Duty in India? This Circumſtance will again preſent itſelf in the Remarks on the Chapter of Women.

But it is now Time to draw this Eſſay towards a Concluſion, by confining ourſelves to the more immediate Explanation of ſuch Parts of the Code as may not ſeem entirely conſiſtent with European Opinions, or European Juſtice.

The Work opens with a ſhort Preliminary Diſcourſe, written by the Bramins themſelves, as well to ſet forth the Motives and Uſes of the Compilation, as to gratify the honeſt Vanity of every ſenſible Mind, in giving ſome Account of itſelf and of its Labours. Nothing can be more remote from a ſuperſtitious Adherence to their

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own domeſtic Prejudices, or more truly elevated above the mean and ſelfiſh Principles of Prieſtcraft, than the genuine Dignity of Sentiment that breathes through this little Performance. Few Chriſtians, with all the Advantages of enlightened Underſtandings, would have expreſſed themſelves with a more becoming Reverence for the grand and impartial Deſigns of Providence in all its Works, or with a more extenſive Charity towards all their fellow Creatures of every Profeſſion. It is indeed an Article of Faith among the Bramins, that God's all merciful Power would not have permitted ſuch a Number of different Religions, if he had not found a Pleaſure in beholding their Varieties.

The firſt Section of the Preface contains an Account of the Creation, literally as the Gentoos believe it to have been performed: The four great and original Tribes are there ſaid to have proceeded from the four different Members of Brihmā, the ſuppoſed immediate Agent of the Creation under the Spirit of the Almighty. The Hindoos do not ſuppoſe that theſe ſeveral Parts of the Creator, aſſigned for their Production, are a ſymbolical Token or Deſcription of the reſpective Duties of their Stations; but that the ſeveral Qualifications of each Caſt, and the enjoined Exerciſe of thoſe Qualifications, are the natural and unavoidable Reſult of the preſiding Function in each of the Members of their firſt Parent.

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THE Bramin from the Mouth—(Wiſdom)
to pray, to read, to inſtruct.

THE Chehteree from the Arms—(Strength)
to draw the Bow, to fight, to govern.

THE Bice from the Belly or Thighs—(Nouriſhment)
to provide the Neceſſaries of Life by Agriculture and Traffic.

THE Sooder from the Feet—(Subjection)
to labour, to ſerve, to travel.

THESE four great Tribes comprehend the firſt grand Diviſions of a well-regulated State. The Mechanic, or petty Dealer, as a Branch of leſs Importance, and adminiſtering rather to the Luxuries than to the Neceſſities of Life, is furniſhed from a fifth adventitious Tribe, called BURRUN SUNKER, which is again ſubdivided into almoſt as many ſeparate Caſts as there are Trades or Occupations to be exerciſed by its Members. The ſame Principle of Government, though under a different Modification, is ſaid to prevail in China, where every Man is enjoined by Law to follow the Buſineſs of his Father, and forbidden to thruſt himſelf into any other Profeſſion.

BUT while we commend the Policy of the ancient Hindoos, we muſt lament their moſt deplorable Ignorance in ſome of the practical

Sciences, particularly Geography, to which they muſt give up all Pretenſions after their extravagant Deſcription of the ſeven Deeps, which they ſuppoſe to be ſo many Continents ſeparated from each other by an almoſt infinite Ocean, but yet all belonging to the ſame World which themſelves inhabit.

The other Diviſion of the Preface contains the requiſite Qualifications for a Magiſtrate and the Duties of his Station; moſt of the Rules there laid down are very pertinent, and diſplay an accurate Knowledge of the human Heart.—But as the neceſſary Limits of an Eſſay like this do not give Room or Opportunity for a general and diffuſive Criticiſm, it is here intended only to ſpeak of ſuch particular Parts and Paſſages of the Work as contain ſomething peculiar, local, or characteriſtic.

Among the Qualities required for the proper Execution of publick Buſineſs, Mention is made, "That a Man muſt be able to keep "in Subjection his Luſt, his Anger, his Avarice, his *Folly*, and "his Pride." Theſe Vices are ſometimes denominated in the Shanſcrit under the general Term Opadhee, a Word which occurs in the quoted Specimen of the Comment upon the Reig Beid. The *Folly* there ſpecified is not to be underſtood in the uſual Senſe of the Word in an European Idiom, as a negative Quality, or the mere Want of Senſe, but as a Kind of obſtinately ſtupid Lethargy, or perverſe Abſence of Mind, in which the Will is not altogether paſſive: It ſeems to be a Weakneſs peculiar to Aſia, for we cannot

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find a Term by which to exprefs the precife Idea in the European Languages; it operates fomewhat like the violent Impulfe of Fear, under which Men will utter Falfehoods totally incompatible with each other, and utterly contrary to their own Opinion, Knowledge, and Conviction; and it may be added alfo, their Inclination and Intention. A very remarkable Inftance of this temporary Frenzy happened lately in the Supreme Court of Judicature at Calcutta, where a Man (not an Idiot) fwore upon a Trial, that he was no Kind of Relation to his own Brother who was then in Court, and who had conftantly fupported him from his Infancy; and that he lived in a Houfe by himfelf, for which he paid the Rent from his own Pocket, when it was proved that he was not worth a Rupee, and when the Perfon in whofe Houfe he had always refided ftood at the Bar clofe to him.

Whenever the Word *Folly* included among the Vices above-mentioned occurs in this Code, it muft always be underftood to carry the Meaning here defcribed.—Another Conjecture, and that exceedingly acute and ingenious, has been ftarted upon this *Folly*, that it may mean the Deception which a Man permits to be impofed on his Judgment by his Paffions, as Acts of Rapacity and Avarice are often committed by Men who afcribe them to Prudence and a juft Affertion of their own Right; Malice and Rancour pafs for Juftice, and Brutality for Spirit. This Opinion, when thoroughly examined, will very nearly tally with the former; for all the Paffions, as well as Fear, have an equal Efficacy to difturb

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and diſtort the Mind: But to account for the *Folly* here ſpoken of, as being the Offspring of the Paſſions, inſtead of drawing a Parallel between it and the Impulſes of thoſe Paſſions, we muſt ſuppoſe the Impulſe to act with infinitely more Violence upon an Aſiatic Mind than we can ever have ſeen exemplified in Europe. It is however ſomething like the Madneſs ſo inimitably delineated in the Hero of Cervantes, ſenſible enough upon ſome Occaſions, and at the ſame Time completely wild, and unconſcious of itſelf upon others; and that too originally produced by an Effort of the Will, though in the End overpowering and ſuperſeding its Functions.

It will no doubt ſtrike the Reader with Wonder, to find a Prohibition of Fire-Arms in Records of ſuch unfathomable Antiquity; and he will probably from hence renew the Suſpicion which has long been deemed abſurd, that Alexander the Great did abſolutely meet with ſome Weapons of that Kind in India, as a Paſſage in Quintus Curtius ſeems to aſcertain. Gunpowder has been known in China, as well as in Hindoſtan, far beyond all Periods of Inveſtigation.—The Word Fire-Arms is literally Shanſcrit Agnee-aſter, a Weapon of Fire; they deſcribe the firſt Species of it to have been a Kind of Dart or Arrow tipt with Fire, and diſcharged upon the Enemy from a Bamboo. Among ſeveral extraordinary Properties of this Weapon, one was, that after it had taken its Flight, it divided into ſeveral ſeparate Darts or Streams of Flame, each of which took effect, and which, when once kindled, could not be extinguiſhed;

tinguiſhed ;* but this Kind of Agnee-aſter is now loſt.—Cannon in the Shanſcrit Idiom is called Shĕt-Aghnee, or the Weapon that kills a hundred Men at once, from (Shĕtĕ) a Hundred, and ghĕnĕh to kill; and the Pooran Shaſters, or Hiſtories, aſcribe the Invention of theſe deſtructive Engines to Bēēſhōōkermā, the Artiſt, who is related to have forged all the Weapons for the War which was maintained in the Suttee Jogue between Dewtā and Oſſoor (or the good and bad Spirits) for the Space of one hundred Years.—Was it Chance or Inſpiration that furniſhed our admirable Milton with exactly the ſame Idea, which had never before occurred to an European Imagination?

The Battles which are deſcribed in this Section, ridiculous as they may appear, when compared with the modern Art and Improvement of War, are the very Counterparts of Homer; for, in the early Ages of Mankind, a Battle appears to have been little more than a Set of diſtinct Duels between Man and Man; in which Caſe, every Circumſtance pointed out in this Part of the Magiſtrate's Duty might naturally be expected to occur: And this is a forcible Argument to prove, that the Compilers have not foiſted into the Code any novel Opinions of their own, when in this Place hardly one of the Principles of War, as ſtated by them, is applicable to the preſent Syſtem and Situation of Mankind.

There is a particular Charge to the Magiſtrate to forbid all Fires in the Month Cheyt, or Part of March and April; this is

* It ſeems exactly to agree with the Feu Gregeois of the Cruſades.

an Inſtitution moſt wiſely and uſefully calculated for the Climate of Hindoſtan, where, for above four Months before that Time, there falls no Rain, and where the Wind always blows hard in that Month, and is very dry and parching, ſo that every Thing is in the moſt combuſtible Situation, and the accidental burning of a Handful of Straw may ſpread a Conflagration through a whole City.—It is obſervable in India to this Day, that Fires are more frequent and more dangerous in the Month Cheyt than in all the reſt of the Year.

Upon the whole, the Scope and Matter of this Section is excellent; and, diveſted of the peculiar Tinct it has received from the religious Tenets of its Authors, is not unworthy the Pen of the moſt celebrated Politicians, or Philoſophers of ancient Greece.

CHAP. I. The Code begins with Regulations for that which is one of the firſt Cements of civil Society, the Mutuation of Property; which, though equally neceſſary and advantageous to the Public, muſt be confined within certain Limits, and conducted upon the Faith of known Laws, to render it ſafe, confidential, and equitable. The favourable Diſtinctions marked towards ſome Tribes, and apparent Severity with reſpect to others, in this Chapter, though perhaps not reconcileable to our Ideas of ſocial Compact, muſt be ſuppoſed perfectly conſonant to the Maxims of the Gentoos, and familiar to their Comprehenſions, as it may be obſerved, that the Compilers have been ſcrupulouſly exact, in pointing out all ſuch

Cafes as have received different Decifions in the different Originals from whence the Abftract is felected. Indeed, the Bramins, indifputably perfuaded that their Origin is from the Mouth, or fuperior Member, of their Creator, and confequently that the Superiority of their Tribe is interwoven with the very Effence of their Nature, efteem that to be a full and fatisfactory Plea for every Advantage fettled upon them, above the reft of the People, by the Laws of their Country; nor are the other Cafts difcontented with the Lot to which they have been accuftomed from their earlieft Infancy; if they blame any Thing, it is that original Turn of Chance which gave them rather to fpring from the Belly or the Feet of Brihmā, than from his Arms or Head.

The different Rate of Intereft, eftablifhed in this Chapter to be paid for the Ufe of different Articles, is perhaps an Inftitute peculiar to Hindoftan; but it reflects a ftrong Light upon the Simplicity of ancient Manners, before Money was univerfally current as the Medium of Barter for all Commodities, and is at the fame Time a weighty Proof of the great Antiquity of thefe Laws, which feem calculated for the crude Conceptions of an almoft illiterate People upon their firft Civilization.

CHAP. II. The Rights of Inheritance, in the fecond Chapter, are laid down with the utmoft Precifion, and with the ftricteft Attention to the natural Claim of the Inheritor, in the feveral Degrees of Affinity. A Man is herein confidered but as Tenant for Life

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in his own Property; and, as all Opportunity of diſtributing his Effects by Will, after his Death, is precluded, hardly any Mention is made of ſuch Kind of Bequeſt. By theſe Ordinances alſo, he is hindered from diſpoſſeſſing his Children of his Property in Favour of Aliens, and from making a blind and partial Allotment in Behalf of a favourite Child, to the Prejudice of the reſt; by which the Weakneſs of parental Affection, or of a miſguided Mind in its Dotage, is admirably remedied. Theſe Laws alſo ſtrongly elucidate the Story of the Prodigal Son in the Scriptures; ſince it appears from hence to have been an immemorial Cuſtom in the Eaſt, for Sons to demand their Portion of Inheritance during their Fathers Life-Time, and that the Parent, however aware of the diſſipated Inclinations of his Child, could not legally refuſe to comply with the Application.

Though Polygamy has been conſtantly practiſed and univerſally allowed under all the Religions that have obtained in Aſia, we meet with very few Inſtances of permitted Polyandry, or a Plurality of Huſbands, ſuch as mentioned in the fourteenth Section of this Chapter: But a Gentleman, who has lately viſited the Kingdoms of Boutān and Thibet, has obſerved, that the ſame Cuſtom is almoſt general to this Day in thoſe Countries; where one Wife frequently ſerves all the Males of a whole Family, without being the Cauſe of any uncommon Jealouſy or Diſunion among them.

The characteriſtic Enthuſiaſm of the Gentoos is ſtrongly marked in ſeveral Parts of this Chapter, where it appears, that the Property of a Bramin is conſidered as too ſacred to fall into profane Hands, even thoſe of the Magiſtrate; which proves alſo that the Magiſtrates are not Bramins. At the ſame Time, we cannot help noticing many ſtriking Inſtances of Moderation and Self-Denial in the Members of this Tribe, who, being at once the Prieſts and Legiſlators of the Country, have yet reſigned all the ſecular and executive Power into the Hands of another Caſt; for it appears, that no Bramin has been properly capable of the Magiſtracy ſince the Time of the Suttee Jogue. They have alſo in one Place ordained, that, "If a Widow "ſhould give all her Property and Eſtate to the Bramins for reli-"gious Purpoſes, the Gift indeed is valid;" that is, it comes within the Letter of the Law: "But the Act is improper, and the Woman "blameable." Such a Cenſure, though not amounting to an abſolute Prohibition, is ſurely a ſufficient Warning to thoſe whoſe weak Bigotry might thus lead them to Error, and an Argument that theſe Lawgivers were free from all the narrow Principles of ſelf-intereſted Avidity. The only Privilege of Importance, which they ſeem to have appropriated to themſelves in any Part of this Compilation, is an Exemption from all capital Puniſhment: They may be degraded, branded, impriſoned for Life, or ſent into perpetual Exile; but it is every where expreſſly ordained, that a Bramin ſhall not be put to Death upon any Account whatſoever.

CHAP. III. The Chapter of Juſtice, in its general Tendency, ſeems to be one of the beſt in the whole Code. The neceſſary Qualifications for the Arbitrator, the Rules for the Examination of Witneſſes, and the Requiſites for Propriety of Evidence, are ſtated with as much Accuracy and Depth of Judgment as the Generality of thoſe in our own Courts. In this Chapter Mention is made of the Purrekeh, or Trial by Ordeal, which is one of the moſt ancient Inſtitutes for the diſtinguiſhing Criterion of Guilt and Innocence that hath been handed down to us by ſacred or profane Hiſtory: Fire or Water were the uſual Reſources upon theſe Occaſions, and they were conſtantly prepared and ſanctified by the Solemnities of a religious Ceremonial. The Modes of this Ordeal are various in India, according to the Choice of the Parties or the Nature of the Offence; but the Infallibility of the Reſult is to this Day as implicitly believed as it could have been in the darkeſt Ages of Antiquity.

We find a particular Injunction and Deſcription of a certain Water Ordeal among the firſt Laws dictated to Moſes by God himſelf; it is contained in the fifth Chapter of Numbers, from the twelfth to the thirtieth Verſe, and is for the Satisfaction of jealous Huſbands, in the immediate Detection or Acquittal of their Wives.

CHAP. IV. V. and VI. In the two ſucceeding Chapters no unuſual Matter occurs, but ſuch as good Senſe and a Freedom from Prejudice will eaſily develope: But, in the ſecond Section of the ſixth Chapter, a Paſſage appears, which, upon a ſlight Examination, might give the

Reader a very indifferent Opinion of the Gentoo Syſtem of Government, viz. "A Law to regulate the Shares of Robbers." This Ordinance by no Means reſpects the domeſtic Diſturbers of the Tranquillity of their own Countrymen, or Violators of the firſt Principles of Society, but only ſuch bold and hardy Adventurers as ſally forth to levy Contributions in a foreign Province. Unjuſt as this Behaviour may appear in the Eye of Equity, it bears the moſt genuine Stamp of Antiquity, and correſponds entirely with the Manners of the early Grecians, at or before the Period of the Trojan War, and of the Weſtern Nations, before their Emerſion from Barbariſm; a Practice ſtill kept up among the pyratic States of Barbary to its fulleſt Extent by Sea, and probably among many Herds of Tartars and Arabian Banditti by Land. However, the known Exiſtence and Originality of this ſavage Syſtem will juſtify the Gentoo Magiſtrate of thoſe ancient Periods in aſſiſting the Freebooters with his Advice, and participating in their Plunder, when, at that Time, ſuch Expeditions were eſteemed both legal and honourable.

It is not neceſſary, in an Eſſay like this, to attempt an Inveſtigation of every local Anomaly, or national Peculiarity, that may ariſe in the Courſe of this Work; but merely to ſpeak of ſuch as ſeem to contradict the general Opinions of Mankind, and to round off thoſe harſher Features of the Picture which appear unnatural or diſtorted, as well as uncommon.

CHAP. VII. and VIII. Omitting therefore the Modes of Gift in the ſeventh Chapter, and the particular Ordinances reſpecting Slaves

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in the eighth, let us proceed to the ſecond Section of the ninth Chapter, " Of the Wages of Dancing Women or Proſtitutes."

CHAP. IX. From the moſt diſtant Ages the Aſiatic World has obſerved the Cuſtom of employing Women trained up, and hired for the Purpoſe to ſing and dance at the public Feſtivals and religious Ceremonies. We find that, " When David was returned " from the Slaughter of the Philiſtines, the Women came out of " all the Cities of Iſrael ſinging and dancing to meet King Saul, " with Tabrets, with Joy, and with Inſtruments of Muſic."

It is ſtill an univerſal Practice among the Gentoos, to entertain a Number of ſuch Women for the Celebration of their ſolemn Feſtivals; and in many Parts of the Deccan, a Band of them is kept in every Village at the public Charge, and they are frequently diſpatched to meet any Perſon paſſing in a public Character, exactly conformable to the Reception of Saul by the Women of Iſrael. Probably their being expoſed to general View and to a free Converſation with Men (ſo contrary to the Reſerve and Privacy of the reſt of their Sex in Aſia) firſt betrayed them into Proſtitution: And in former Ages, a Proſtitute ſeems to have been by no Means ſo deſpicable a Character as at preſent, ſince one of the firſt Acts of King Solomon's Government that was thought worthy to be recorded was a Deciſion from the Throne, upon the Suit of two Harlots. Many States, even among the Moderns, have found the Neceſſity as well as Utility of tolerated Proſtitution; they have diſcovered

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it to be one of the moſt effectual Methods for preſerving the Peace of Families and the Health of Individuals; and Publick Stews have accordingly been licenſed under every Regulation that could be deviſed to obviate their probable ill Effects, and to ſecure all their Advantages; ſo, in Aſia, the Profeſſion of Singing and Dancing by diſtinct Sets or Companies naturally formed theſe Women into a Kind of Community. And as the Policy of a good Government will always look with an Eye of Regard upon every Branch of Society, it was but juſt and proper to enact Laws for the Security and Protection of this Publick Body, as well as of the reſt of the State, particularly as the Sex and Employment of thoſe who compoſed it rendered them more than uſually liable to Inſult and ill Uſage.

It can be no Objection to the Rules laid down in this Place, that the Language in which they are delivered is plain even to Groſſneſs; it is well known that the Ancients, even in their moſt refined Ages, admitted a Freedom of Speech utterly incompatible with the Delicacy of modern Converſation, and that we are on that Account frequently much embarraſſed in tranſlating even the moſt claſſical Authors of Greece and Rome.—Indecency too ſeems to be a Word unknown to the Law, which ever inſiſts upon a ſimple Definition of Fact. The Engliſh Courts, upon Trials for Rape or Adultery, are full as little modeſt and equivocal in their Language as any Part of this or ſome of the ſucceeding Chapters; neither Rank nor Sex, nor Innocence can protect a Woman who is unfor-

tunate enough to be called in as a Witneſs, even upon the moſt trivial Points of ſuch a Cauſe, from being obliged to hear, and even to utter the moſt indecent and ſhocking Expreſſions, which are neceſſarily urged upon her, ſo far as to authenticate every Circumſtance in Queſtion, without the leaſt Diſguiſe of Circumlocution or Reſerve in Favour of Modeſty: Yet Trials of this Nature are publiſhed at length among us, and read with Eagerneſs, as much perhaps to the Scandal of the Law as to the Corruption of our Imaginations, and the Debaſement of our Manners.

But a Work upon ſo diffuſive a Plan as that of this Code is calculated for the Peruſal of the Judge and of the Philoſopher, and is far above the Cavil of narrow Underſtandings and ſelfiſh Prejudices. Theſe indeed will ſometimes feel, or pretend to feel, a greater Shock at the Mention of certain Crimes, than it is to be ſuſpected they would undergo in the Commiſſion of them; but for the Warning of the Subject, and for the Guidance of the Magiſtrate, no Delineation of Offences can be too minute, and no Diſcrimination too particular.

CHAP. XVI. From hence, in Conformity to the Intention of this Treatiſe, we ſhall at once proceed to the ſixteenth Chapter of Aſſault, and of Preparation to Aſſault; which ſeems entirely founded upon the peculiar Tenderneſs of a Gentoo's Conſcience, with reſpect to the Purity of his Caſt. Here we ſee almoſt every Uncleanneſs that can be practiſed accurately ſpecified, and ſtrongly prohibited;

ed; and the Penalty is conſtantly enhanced in Proportion to the Rank or Circumſtances of the Parties. The ſame Notions of Defilement from Contact with any unclean Article appear to have been diligently inculcated into the Jews by their inſpired Legiſlator; and the nineteenth Chapter of Numbers bears an evident Relation to the Spirit and Meaning of the Chapter here, though it differs in the Statement of the ſeveral Objects from whence the Defilement is ſuppoſed to proceed. The Regulations before us were entirely neceſſary for a People, whoſe very Degree and Place in Society were conditionally dependant upon a ſcrupulous Avoidance of all Uncleanneſs. Hence even the Preparation or Attempt to Aſſault was forbidden, as well as the Act itſelf; and the tautological Enumeration of every poſſible Mode of this Aſſault, by the moſt minute Gradations, needs no other Plea to reconcile it to our Ideas.

CHAP. XVII. The Chapter upon Theft contains a complete Anſwer to every Objection that might be brought againſt a former Expreſſion in the Code, " Of the Magiſtrates ſharing in the Plun- " der of Robbers," as almoſt every poſſible Species of Fraud or Robbery is in this Place impartially condemned. Among other Puniſhments, thoſe of " Cutting off the Hair, Shaving with the Urine of an Aſs, &c." are ſeveral Times mentioned. Theſe are like the Stocks and Pillory among ourſelves, intended to operate upon the Feelings of the Mind, rather than thoſe of the Body, and, by awakening the Senſe of Shame and Diſgrace, to obviate the Neceſſity of Corporal Chaſtiſement. They are conſtantly conſidered

among

among the Hindoos as the moſt complete Degradation they can undergo, next to the abſolute Loſs of Caſt. And ſome imagine, though without Foundation, that they are by this Puniſhment really expelled from their Tribe; that however is not the Caſe, they are meant merely as temporary Humiliations, and as a Kind of Warning, that upon the next Offence the Sword of Juſtice will be aimed at the Head itſelf.

The Fines or Penalties enjoined for concealed Theft, in the third Section of this Chapter, comprehend moſt of the Modes of Capital Puniſhment preſcribed by ancient or modern Tribunals. Hanging and Crucifixion ſeem to have been the uſual Kinds of Death inflicted by the Jews; but their Laws were alſo no Strangers to the Practice of Burning, as we find by the twenty-firſt Chapter of Leviticus: "The Daughter of any Prieſt, if ſhe profane herſelf "by playing the Whore, ſhe profaneth her Father, ſhe ſhall be "burned with Fire."

The Crime of Men-ſtealing, mentioned in this Part of the Code, however repugnant to every Principle of Humanity, is not by any Means peculiar to the Gentoos, for it is likewiſe forbidden, under Pain of Death, in Deuteronomy, Chapter twenty-fourth: "If a "Man be found ſtealing any of his Brethren of the Children of "Iſrael, and maketh Merchandize of him, then that Thief ſhall "die, and thou ſhalt put away Evil from among you."

This

This Part of the Compilation exhibits a Variety of Crimes puniſhable by various Modes of capital Retribution, contrary to the general Opinion adopted in Europe, that the Gentoo Adminiſtration was wonderfully mild, and averſe to the Deprivation of Life. One Cauſe for this Opinion might be, that, ſince the Tartar Empire became abſolute in India, the Hindoos (like the Jews in the Captivity) though in ſome Reſpects permitted to live by their own Rules and Laws, have for Reaſons of Government been in moſt Caſes prohibited from dying by them. This Chapter however diſplays Inſtances of what might ſeem unjuſtifiable Severity, did not the Jewiſh Diſpenſation afford us a Number of Examples to the ſame Purpoſe. The Ordinance in Moſes for Stoning a Rebellious Son, or a Girl found not to be a Virgin: Samuel's hewing Agag to Pieces before the Lord in Gilgal: Whole Nations cut off at once by unlimitted Proſcription: David's harraſſing his Enemies with Harrows of Iron; and a Thouſand other Paſſages of the ſame Tendency, prove that the Laws of moſt Nations of Antiquity were written in Letters of Blood; and if in England (as it is ſaid) we have near eighty Kinds of Felonies, all liable to capital Puniſhment, the Gentoos need not think their own Legiſlature uncommonly fertile in Employments for the Executioner.

The latter Part of this Section is particularly ſet apart to treat of Thefts committed by the Bramin Tribe; and the many dreadful Penalties there enjoined leave the Delinquents but a ſlender Satis-

faction in their Exemption from capital Punishment: Add too, that from these Circumstances it may be collected, that this Exemption is really founded upon a reverential Regard to the Sanctity of their Function and Character, rather than upon the unjust Preference of self-interested Partiality.

CHAP. XIX. The nineteenth and twentieth Chapters present us a lively Picture of Asiatic Manners, and in them a strong Proof of their own Originality. To Men of liberal and candid Sentiments, neither the Grossness of the Portrait nor the Harshness of the Colouring will seem improper or indecent, while they are convinced of the Truth of the Resemblance; and if this Compilation does not exhibit Mankind as they might have been, or as they ought to have been, the Answer is plain, "Because it paints them as they were."—Vices, as well as Fashions, have their Spring and their Fall, not with Individuals only, but in whole Nations, where one reigning Foible for awhile swallows up the rest, and then retires in its Turn to make room for the epidemic Influence of a newer Passion. Wherefore, if any Opinions not reconcileable to our Modes of thinking, or any Crimes not practised, and so not prohibited among us, should occur in these Chapters, they must be imputed to the different Effects produced on the Human Mind by a Difference of Climates, Customs and Manners, which will constantly give a particular Turn and Bias to the National Vices.—Hence it would be a weak and frivolous Argument for censuring the fifth Section of this nineteenth Chapter, to object that it was levelled at an Offence absurd in itself, not likely

likely to be frequent, or ſuppoſing it frequent, ſtill to be deemed of trivial Conſequence; and to make this Objection merely in Conſideration that the Offence may not be uſual among us, and has certainly never been forbidden by our Legiſlature, ſuch Cavils would betray a great Ignorance of the general Syſtem of Human Nature, as well as of the common Principles of Legiſlation for Penal Laws (except for the moſt ordinary Crimes) are not enacted until particular Inſtances of Offence have pointed out their abſolute Neceſſity; for which Reaſon Parricide was not ſpecified among the original Inſtitutes of the celebrated Lawgiver of Sparta. Hence we may with Safety conclude, that the ſeveral Prohibitions and Penalties of this fifth Section were ſubſequent to and in conſequence of the Commiſſion of every Species of Enormity therein deſcribed.

In Aſia, the indubitable Virginity of the Bride has ever been a requiſite and moſt neceſſary Condition of a Marriage; and indeed the Warmth of Conſtitution in either Sex, and the univerſal Jealouſy of the Men in thoſe Climates, give great Propriety to the Caution; for in Women the firſt Breach of Chaſtity was always eſteemed deciſive; and Moſes conſidered the Offence in at leaſt as ſerious a Light as the Gentoos have done, ſince he ordained, that, if the Tokens of Virginity were not found upon a Girl at her Marriage, ſhe ſhould be ſtoned: — A hard Fate ſurely, if we reflect to how many Accidents ſo frail an Article is liable, without any Intention or Fault of its Poſſeſſor! And if a Hindoo's Conſcience is equally nice with a Jew's, upon this Point it cannot be judged extraordinary, that a particular

ticular Section of this Code ſhould be appropriated to the Condemnation of ſuch Practices as may violate Virginity, and deſtroy its Tokens, even without actual Copulation, ſince the Diſgrace and other unhappy Conſequences to the Woman are equally inevitable, to what Cauſe ſoever it be owing that the Proofs of her Chaſtity are deficient.

The beſt Security for Female Virtue is the total Abſence of Temptation, and conſequently, to endeavour to remove the one is a prudent Caution for the Preſervation of the other. We find therefore the ſeveral Modes and Gradations of Aſiatic Gallantry ſeparately forbidden at the Beginning of this Chapter, which, by ſlightly puniſhing the firſt Preparatives and leading Steps to an Offence, ſhews a tender Concern for the Offender's Welfare, to whom it thus gives a monitory Check at the very Commencement of his Deſign, and before the Execution of it has ſubjected him to the extreme Rigour of the Law.

CHAP. XX. It may not be improper to mention upon this Chapter, that the Bramins who compiled the Code were Men far advanced in Years, as one of them above eighty, and only one under thirty-five, by way of Apology for the Obſervations they have ſelected, and the Cenſures they have paſſed upon the Conduct and Merits of the Fair Sex. Solomon however, who probably had as much Experience in Women as any Pundit in any of the four Jogues, was nearly of the ſame Sentiments, as we may collect from

numerous

numerous Paſſages in his Proverbs, one of which, in the thirtieth Chapter, ſo exactly correſponds with a Sentence in this Part of the Code, that the one almoſt ſeems a literal Tranſcript from the other. " There are," ſays Solomon, " Three Things that are never ſatis-" fied; yea, four Things ſay not, it is enough: The Grave and the " Barren Womb; the Earth that is filled not with Water, and " the Fire that ſaith not, it is enough."

The Paſſage in the Code will ſpeak for itſelf;—ſo ſtriking a Reſemblance needs neither Quotation nor Comment:—Yet neither the Royal Author of the Proverbs, nor the Compoſers of the Shaſters, are by any Means ſo cenſorious or ſo unjuſt as to deny the Poſſibility of Excellence in the Female Sex, though they allow the Inſtances to be ſomewhat ſcarce, and that Wives of this Quality are only to be obtained by many and great Acts of Piety, or, as Solomon expreſſes it, " A Prudent Wife is from the Lord."

The many Rules laid down in this Chapter, for the Preſervation of domeſtic Authority to the Huſband, are Relicks of that characteriſtic Diſcipline of Aſia, which ſacred and profane Writers teſtify to have exiſted from all Antiquity; where Women have ever been the Subjects, not the Partners of their *Lords*, confined within the Walls of a Haram, or buſied without Doors in Drudgeries little becoming their Delicacy. The Trojan Princeſſes were employed in waſhing Linen; and Rebecca was firſt diſcovered by Abraham's Servant with a Pitcher upon her Shoulder to water Camels. " Two Women

" ſhall be grinding at the Mill," ſays the Prophet; but theNotoriety of this Fact obviates the Neceſſity of Quotations : It may juſt be obſerved, that Solomon in praiſing a good Wife mentions, that " She " riſes while it is yet Night," which we muſt ſuppoſe to be before her Huſband; and we find this to be one of the Qualifications for a good Gentoo Wife alſo.

The latter Part of this Chapter relates to the extraordinary Circumſtance of Womens burning themſelves with their deceaſed Huſbands:—The Terms of the Injunction as there ſet forth are plain, moderate and conditional: " It is proper for a Woman to burn " with her Huſband's Corps;" and a proportionate Reward is offered inCompenſation for her Sufferings. - Notwithſtanding the Ordinance is not in the abſolute Style of a Command, it is ſurely ſufficiently direct to ſtand for a Religious Duty; the only Proof that it is not poſitive is the Propoſal of inviolable Chaſtity as an Alternative, though it is not to be taken for an Equivalent. The Bramins ſeem to look upon this Sacrifice as one of the firſt Principles of their Religion, the Cauſe of which it would hardly be orthodox to inveſtigate. There are however ſeveral Reſtrictions with reſpect to it, as that a Woman muſt not burn herſelf if ſhe is with Child, nor if her Huſband died at a Diſtance from her, unleſs ſhe can procure his Turban and Girdle to put on at the Pile, with other Exceptions of the ſame Nature, which they cloſely conceal from the Eyes of the World, among the other Myſteries of their Faith : But we are convinced equally by Information and Experience, that the Cuſtom has not

not for the moſt Part fallen into Deſuetude in India, as a celebrated Writer has ſuppoſed.

CHAP. XXI. The twenty-firſt Chapter comprehends a Number of unconnected Articles, of which the laſt Section is a Kind of Peroration to the whole Work. But of ſuch Parts of theſe Ordinances as relate merely to the Religious Opinions of the Hindoos we certainly are not authorized to judge; they were inſtituted in Conformity to *their* Prejudices; and the Conſciences of the People, as well as the Penalties of the Law, enforce their Obedience. Hence little Obſervation need be made upon the accountable Prohibitions of the ſecond Section, but that the Commiſſion of ſuch ridiculous Crimes, for which no poſſible Temptation can be pleaded, may be ſeverely puniſhed, without much Danger to the Generality of Mankind.

The Article of the third Section is of a more ſerious Nature, and contains an Injunction not unneceſſary for the general Peace and good Order of every Community. The Vulgar in all Nations are tied down to the continual Exerciſe of bodily Labour for their own immediate Subſiſtence; and their Employments are as incompatible with the Leiſure requiſite for Religious Speculations, as their Ideas are too groſs for the Comprehenſion of their Subtilty; add to this, that illiterate Minds are uſually ſo apt to kindle at the leaſt Touch of Enthuſiaſtic Zeal, as to make their headſtrong Superſtition the moſt dangerous of all Weapons in the Hands of a deſigning

Partizan;

Partizan; like the *Agnee-aster*, it rages with unquenchable Violence, and ſeparating into a thouſand Flames, all equally deſtructive, ſubſides not but with the Exaltation of a Cromwell, or a Maſſacre of Saint Bartholomew. Moſes obſerved a like Severity with this Code, in prohibiting the reſt of the People from any Interference with the Profeſſion of the Prieſthood; the Ordinance is iſſued from the Mouth of God himſelf: " Thou ſhalt appoint Aaron and his Sons, " and they ſhall wait on their Prieſt's Office, and the Stranger that " cometh nigh ſhall be put to Death."

INDEED the whole Office, as well as the ſacred Preeminence of the Braminical Tribe, is almoſt an exact Counterpart of that of the Levitical: The Levites were particularly forbidden Wine; ſo are the Bramins: The Levites were more than others enjoined to avoid the Contact of all Uncleanneſs; ſo are the Bramins: The Levites were to aſſiſt the Magiſtrate's Judgment in difficult Caſes; ſo are the Bramins: And, in every other Reſpect, the Reſemblance might well authorize a Suſpicion, that they had originally ſome remote Affinity to each other, though Conjecture cannot poſſibly trace the Source of the Connexion.

THE Patience of the Publick has now been ſufficiently exerciſed and treſpaſſed upon in this Eſſay, which was but deſigned to obviate ſome of the moſt plauſible Objections, which are likely to be ſtated againſt ſo uncommon a Compilation. We have every where produced Inſtances of a Similitude between the Moſaical and the Hindoo

Hindoo Difpenfation, though without attempting to infert the hundredth Part of what occurred upon fo fruitful a Subject.

BUT it is not only to the Laws of Mofes that this Code bears a ftriking Likenefs; many other Parts of the Holy Scriptures may from hence be elucidated or confirmed: Thus in the Book of Genefis we find Laban excufing himfelf for having fubftituted Leah in the Place of Rachel to Jacob, in thefe Words: "It muft "not be fo done in our Country, to give the Youngeft (Daughter) "before theFirft-Born:" This was long beforeMofes was born.— So in this Compilation it is made criminal for a Man to give his Younger Daughter in Marriage before the Elder, or for a Younger Son to marry while his ElderBrother remains unmarried.

COMPARISONS of this Nature will illuftrate many doubtful Paffages, and explain many obfolete Cuftoms and Ufages alluded to throughout the Bible; fo that fhould no Part of thefe Laws be thought worthy of Adoption into the Syftem of a Britifh Government in Afia, they will yet well deferve the Confideration of the Politician, the Judge, the Divine, and the Philofopher, as they contain the genuine Sentiments of a great and flourifhing People, at a Time when it was impoffible for them to have any Connexion or Communication with the European World, upon Subjects in which all Mankind have a common Intereft; as they abound with Maxims of general Policy and Juftice, which no Particularity of

Manners, or Diverſity of Religious Opinions can alter; as they may become uſeful References for a Number of National and local Diſtinctions in our own Sacred Writings, and as the ſeveral Powers of the Mind, in the gradual Progreſs of Civilization, may by judicious Compariſons from hence be inveſtigated almoſt to their firſt Principles.

*The End of the* TRANSLATOR'S PREFACE.

# TRANSLATION

OF A

# POOTEE, OR COMPILATION,

OF THE

# ORDINATIONS

OF THE

# *PUNDITS.*

# PRELIMINARY DISCOURSE.

FROM Men of enlightened Underſtandings and ſound Judgment, who, in their Reſearches after Truth, have ſwept from their Hearts the Duſt of Malice and Oppoſition, it is not concealed, that the Contrarieties of Religion, and Diverſities of Belief, which are Cauſes of Envy, and of Enmity to the Ignorant, are in fact a manifeſt Demonſtration of the Power of the Supreme Being: For it is evident, that a Painter, by ſketching a Multiplicity of Figures, and by arranging a Variety of Colours, procures a Reputation among Men; and a Gardener, for planting a Diverſity of Shrubs, and for producing a Number of different Flowers, gains Credit and Commendation; wherefore it is Abſurdity and Ignorance to view, in an inferior Light, him who created both the Painter and the Gardener. The truly Intelligent well know, that the Differences and Varieties of created Things are a Ray of His glorious Eſſence, and that the Contrarieties of Conſtitutions are a Type of His wonderful Attributes; whoſe complete Power formed all Creatures of the animal, vegetable and material World, from the four Elements of Fire, Water, Air and Earth, to be an Ornament to the Magazine of Creation; and whoſe comprehenſive Benevolence ſelected Man, the Center of Knowledge, to have the Dominion and Authority over the reſt; and, having beſtowed, upon this favourite Object, Judgment and Underſtanding,

Underftanding, gave him Supremacy over the Corners of the World; and, when he had put into his hand the free Control and arbitrary Difpofal of all Affairs, He appointed to each Tribe its own Faith, and to every Sect its own Religion; and having introduced a numerous Variety of Cafts, and a Multiplicity of different Cuftoms, He views in each particular Place the Mode of Worfhip refpectively appointed to it; fometimes He is employed with the Attendants upon the Mofque, in counting the facred Beads; fometimes He is in the Temple, at the Adoration of Idols; the Intimate of the Muffulman, and the Friend of the Hindoo; the Companion of the Chriftian, and the Confidant of the Jew. Wherefore Men of exalted Notions, not being bent upon Hatred and Oppofition, but confidering the collected Body of Creatures as an Object of the Power of the Almighty, by inveftigating the Contrarieties of Sect, and the different Cuftoms of Religion, have ftamped to themfelves a lafting Reputation upon the Page of the World; particularly in the extenfive Empire of Hindoftan, which is a moft delightful Country, and wherein are collected great Numbers of Turks, of Perfians, of Tartars, of Scythians, of Europeans, of Armenians, and of Abyffinians. And whereas, this Kingdom was the long Refidence of Hindoos, and was governed by many powerful Roys and Rajahs, the Gentoo Religion became catholick and univerfal here; but when it was afterwards ravaged, in feveral Parts, by the Armies of Mahomedanifm, a Change of Religion took place, and a Contrariety of Cuftoms arofe, and all Affairs were tranfacted, according to the Principles of Faith in the conquering Party, upon which perpetual Oppofitions were engendered, and continual Differences in the Decrees of Juftice; fo that in every Place the immediate Magiftrate decided all Caufes according to his own Religion; and the Laws of Mahomed were the Standard of Judgment for the Hindoos. Hence Terror and Confufion found a Way to all the People, and Juftice was not impartially adminiftered; wherefore a Thought fuggefted itfelf to the Governor General, the Honourable *Warren Haftings*, to inveftigate the Principles of the

the Gentoo Religion, and to explore the Cuſtoms of the Hindoos, and to procure a Tranſlation of them in the Perſian Language, that they might become univerſally known by the Perſpicuity of that Idiom, and that a Book might be compiled to preclude all ſuch contradictory Decrees in future, and that, by a proper Attention to each Religion, Juſtice might take place impartially, according to the Tenets of every Sect. Wherefore Bramins, learned in the Shaſter (whoſe Names are here ſubjoined) were invited from all Parts of the Kingdom to Fort-William, in Calcutta, which is the Capital of Bengal and Bahar, and the moſt authentick Books, both ancient and modern, were collected, and the original Text, delivered in the Hindoo Language, was faithfully tranſlated by the Interpreters into the Perſian Idiom. They began their Work in May, 1773, anſwering to the Month *Jeyt*, 1180 (Bengal Style) and finiſhed it by the End of February, 1775, anſwering to the Month *Phaùgoon*, 1182 (Bengal Style.)

# NAMES

OF THE

# BRAMINS,

## Who compiled this Work.

Ràm Gopaul Neeàyàlunkàr

Beereeſhur Punchànun

Kiſhen Juin Neeàyàlunkàr

Bàneeſhur Beedyàlunkàr

Kerpà Ràm Terk Siedhaût

Kiſhen Chund Sàreb Bhoom

Goree Kunt Terk Siedhaût

Kiſhen Keiſub Terkàlungkàr

Seetà Ràm Bhet

Kàlee Sunker Beedyàbàgees

Shàm Sunder Neeày Siedhaût

# GLOSSARY

OF SUCH

## Shàſcrit, Perſian, and Bengal Words,

AS OCCUR IN THIS

## WORK.

### A

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|---|---|
| *ABKOORUN*, | Preparation to aſſault. |
| *Achàrige*, | A Teacher of the Goiteree. |
| *Adew*, | Property that may not be given away. |
| *Adhegeerun Gerrut*, | A Man who performs Service to his Relations. |
| *Adhuk*, | A ſmall Weight or Meaſure. |
| *Affus*, | Aſtringent. |

*Aghun*,

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|---|---|
| *Aghun,* | One of the Bengal Months, anſwering to Part of November and December. |
| *Akut,* | A Man pledged for a Loan. |
| *Anoo Pàtuk,* | Impoſture, Petty Crimes. |
| *Antee Bàſhee,* | An Apprentice. |
| *Apàteree Kurrun,* | A Species of trifling Offences. |
| *Arde Kheel,* | Land half Waſte. |
| *Arſh,* | One of the Five Superior Modes of Marriage. |
| *Arteh Bherut,* | A Servant for pecuniary Wages. |
| *Arzàl,* | An inferior Tribe of the Hindoos. |
| *Arzeez,* | Tin. |
| *Aſhnàw,* | Purification by Bathing. |
| *Aſhore,* | One of the Three Inferior Modes of Marriage. |
| *Aſhrufie,* | The moſt valuable Gold Coin. |
| *Aſhummeed Jugg,* | A religious Ceremony, in which a Horſe is let looſe, with certain Hindoo Texts written upon him. |
| *Aſhwàmee Peikeree,* | One who diſpoſes of another Perſon's Property without a Right ſo to do. |
| *Aſſen,* | One of the Bengal Months, anſwering to Part of September and October. |
| *Atee Pàtuk,* | Inceſt. |
| *Ayàmmi Shàdee,* | A Number of Feſtival Days on a Marriage. |

B *Bàn Perùſt,*

B

*Bàn Perùſt*, A Hermit.

*Bàzàr*, A Market.

*Beejeſhuktà*, A Public or Common Bull.

*Beekreet*, A Man who voluntarily ſells his own Liberty.

*Beenà*, A Species of long Graſs.

*Beet*, A Species of prickly Graſs.

*Beheerreh*, An aſtringent Drug.

*Beid*, The moſt ancient and venerable of the Gentoo Scriptures. There are Four *Beids*, the *Rug Beid*, the *Huchur Beid*, the *Sàm Beid*, and the *Ahtrebun Beid*.

*Beopàry*, A travelling Merchant, or Pedlar, who carries his Goods upon Bullocks.

*Beràmeh*, One of the Five Superior Modes of Marriage.

*Beràyut*, A Bramin's Son who is a Minor.

*Berlàkrut*, A Man become a Slave for the Sake of a Female Slave.

*Bereeſocherg*, A conſecrated Bull ſuffered to go looſe.

*Berenge-àrook*, Rice cleanſed without boiling.

*Berhemchàrry*, A Man who has ſtudied Divinity Twelve Years.

*Bhàdun*, One of the Bengal Months, anſwering to Part of Auguſt and September.

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| *Bhekut,* | A Slave for a Livelihood. |
| *Bherooàh,* | A Pimp or Attendant upon Dancing Women. |
| *Bhertuk,* | A Servant. |
| *Bhook Bherut,* | A Man who ſerves for his Subſiſtence. |
| *Bhook Làbheh,* | Intereſt produced by Uſufruct of any Articles pledged. |
| *Bice,* | The Third original Gentoo Tribe. |
| *Bramin,* | The Firſt original Tribe of Gentoos. |
| *Bubhàr,* | Juſtice. |
| *Bundàreh,* | Magazines and other Offices for the Magiſtrate. |
| *Bundhoo,* | A Bank. |
| *Burmàh,* | The ſecondary Deity and immediate Creator of all Things. |
| *Burrun,* | The peculiar Mode or conſtitutive Particularity of each Tribe. |
| *Burrun Sunker,* | The general Denomination of all Tribes, produced by the Intermixture of Two different Tribes. |
| *Burrut,* | A religious Foundation. |
| *Butkàrah,* | A Weight of Stone. |

C

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| *Cahawun,* | A Meaſure of Cowries, being Sixteen Pun. |
| *Chàt-ter,* | An Umbrella. |

*Chehteree,*

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| *Chehteree,* | The Second original Gentoo Tribe. |
| *Chendàl,* | A mean Tribe of Gentoos. |
| *Cheyt,* | One of the Bengal Months, anſwering to Part of March and April. |
| *Chickerberdehee,* | Compound Intereſt. |
| *Chokey,* | A Toll Gate. |
| *Chokeydàr,* | A Watchman or Guard; ſometimes a Toll Gatherer. |
| *Choperbàzee,* | A Game of Hazard played with Three oblong Dice. |
| *Chuckreh,* | A ſmall Carriage for Burthens, a Cart. |
| *Coin,* | As Gold Coin,&c. is here meant for a ſmall Grain, or Bead of Gold current in the Country, whereof Eight make one *Maſheh*; it is called *Surkh* in Perſian, and *Ruttee* in Bengal. |
| *Cooly,* | A common Porter or Carrier of Burthens. |
| *Coſe,* | A Meaſure of Two Miles nearly. |
| *Coſſid,* | A Meſſenger or Poſtman. |
| *Cutcherry,* | A Court of Juſtice. |

D

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| *Dàie,* | Inheritable Property. |
| *Dàm,* | A ſmall Coin. |
| *Dàn,* | A religious Ceremony. |

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|---|---|
| *Dayàvaupàkut*, | A Slave by long Defcent. |
| *Daye Bhàg*, | Inheritable Property. |
| *Deep*,<br>*Jumboo Deep*,<br>*Pulkhoo Deep*,<br>*Shoolmeloo Deep*,<br>*Kooshud Deep*,<br>*Keroonchud Deep*,<br>*Shàkud Deep*,<br>*Peeshkerud Deep*, | The World; of which they reckon Seven: The Hindoos fay, that this habitable World, or *Deep*, is furrounded on every Side by the *Sumooder*, or main Ocean, to the Breadth of Four Hundred Thoufand *Cofe*; after which commences the Second *Deep*, and fo in order. |
| *Deeyb*, | One of the Five Superior Modes of Marriage. |
| *Deicol*, | A mean and adventitious Tribe among the Gentoos. |
| *Derbàn*, | A Porter or Doorkeeper. |
| *Dercon*, | A Weight or Meafure. |
| *Deu*, | Property which it is lawful to alienate. |
| *Dewtah*, | That Deity to whom Prayers are to be offered. |
| *Doll*, | Any Pulfe broken. |
| *Doob*, | Fine Grafs. |
| *Doot*, | An Agent or *Hircarrah*. |
| *Dofs*, | A Slave. |
| *Dote*, | All Games of Hazard. |
| *Duchneh*, | Certain Fees paid to a Bramin for performing Worfhip for any Perfon. |
| *Durr Pàrifh*, | Affault. |

*Dutt*,

*Dutt*, Gifts unapproved, or which may be taken back.

*Duttà*, Things given away, which may not be taken back.

E

*Eenàkàl Behrut*, A Slave whofe Life has been faved in Famine.

*Enàhut*, A Second Depofit of Articles depofited in Truft to any Perfon.

F

*Fàteheh Buzurgwar*, An Offering made for the Souls of deceafed Anceftors.

G

*Gânfee Jikkheh*, A Confumption, or Spitting of Blood and Phlegm.

*Gehennum*, Hell.

*Gerhejàt*, A Child born to a Mafter, by a Female Slave.

*Ghee*, Clarified Butter.

*Gheerus*, A voluntary Slave for a certain Time.

*Gherhut*, A City of the fmalleft Size.

*Ghurrie*, A Meafure of Time, comprehending Twenty-four Minutes.

| | |
|---|---|
| *Geìteree,* | A Gentoo Incantation. |
| *Gomaſtah,* | An Agent. |
| *Gràm,* | Is a Word uſed by the Engliſh for a Kind of Tare; in the Bengal Language, it means a Village. |
| *Gundàe,* | Four Cowries. |

H

| | |
|---|---|
| *Hackery,* | An Indian Carriage. |
| *Hàràm,* | A Seraglio. |
| *Haut,* | A Weekly Market for various Goods. |
| *Hejàmut,* | The Profeſſion of Barber, which conſiſts in Shaving, Paring the Nails, &c. |
| *Hircarrah,* | A Spy, or Meſſenger. |
| *Howàleh,* | A Depoſit of Property in full Confidence. |
| *Hurreh,* | An aſtringent Drug. |

I

| | |
|---|---|
| *Jàtee Bherun Kuſhker,* | A Species of petty Offences. |
| *Jee Potr,* | A Statement and Decree. |
| *Jeyt,* | A Bengal Month, anſwering to Part of May and June. |

*Ihtimamdàr,*

| | |
|---|---|
| *Ihtimamdàr*, | A Superintendant, or Lieutenant Governor. |
| *Inderjò*, | A Drug of no Eſtimation, that grows wild in the Woods. |
| *Joodeh Perràput*, | A Slave taken in War. |
| *Joojun*, | A Meaſure of Four *Coſe*. |
| *Jooteſe*, | The Book of Gentoo Aſtronomy. |
| *Iſrum*, | Orders or Ranks of Men. |
| *Jugg*, | A religious Ceremony. |
| *Jungle*, | Lands wholly uncultivated. |

K

| | |
|---|---|
| *Kàndehrub*, | One of the Five Superior Modes of Marriage. |
| *Kàrtee-au*, | A voluntary Offer of Increaſe of Intereſt. |
| *Kàſeh*, | A Mixture of Tin and Copper. |
| *Kau-ee-kau*, | Intereſt paid Yearly. |
| *Kauleekau*, | Intereſt paid Monthly. |
| *Keereeut*, | A purchaſed Slave. |
| *Keheet Derſhen*, | Aſſault and Bloodſhed. |
| *Kehtà*, | A Son of a *Sooder* begotten upon a *Chehteree*. |
| *Keroor*, | A fabulous Bird. |
| *Kheel*, | Waſte Land. |

*Kheet*,

| | |
|---|---|
| *Kheet*, | A City of the Second Size. |
| *Khieu*, | A Bridge. |
| *Kombeh*, | A large Weight or Meaſure. |
| *Koodup*, | A ſmaller Weight or Meaſure. |
| *Kooloo*, | The Cocoa Tree. |
| *Kooncby*, | A ſmaller Weight or Meaſure. |
| *Kooſm*, | A Sort of Flowers uſed in Dying. |
| *Koſe*, | A Species of Herb or Graſs. |
| *Kunjud*, | Rape Seed. |
| *Kureelah*, | A ſmall Vegetable of a very bitter Taſte. |

## L

| | |
|---|---|
| *Leekbuk*, | A Secretary or Writer. |
| *Lubdebee*, | A Slave found by Accident. |
| *Lut*, | A creeping Tree; alſo the Name of a Bird. |
| *Luttà*, | The Name of a large Tree. |

## M

| | |
|---|---|
| *Mâaſiſer*, | A Species of Flowers uſed in Dying. |
| *Màbà Pàtuk*, | Murder, and other heinous Crimes. |

| | |
|---|---|
| *Màsheb of Silver*, | $\frac{1}{10}$ of a Silver Rupee. |
| *Màsheb of Gold*, | $\frac{1}{12}$ of an *Ashrufie*. |
| *Meet-hul*, | An Inhabitant of *Methilla*, a famous Town for *Bramins* of Learning, in the West, near the *Souhah* of *Oude*, about 15 Days Journey from *Benares*. |
| *Melàbhoo*, | A Species of lesser Offences. |
| *Mookhud*, | A Debtor who has given himself up as a Slave to his Creditor. |
| *Moonshi*, | A Writer or Secretary. |
| *Muluch*, | The general Name for Tribes who have no Prohibition with respect to Food. |
| *Muntur*, | A Text of the *Shaster*. |
| *Musnud*, | A Throne, or Seat of Dignity. |
| *Mut-hooter*, | A Denial. |

N

| | |
|---|---|
| *Nandee Mookheh*, | A Ceremony preparative to a Marriage. |
| *Neeàsh*, | A Deposit to prevent the Seizure of Effects. |
| *Needee*, | To find any lost Article. |
| *Neekheep*, | A Deposit in Confidence. |
| *Neemtuk-kerm*, | Occasional Worship for Holidays. |
| *Neeshungpàt*, | Assault without Bloodshed. |
| *Nigher*, | A large City. |

E *Nellah*,

*Nullah,* A Brook.

*Nut-kerm,* Daily Worſhip.

O

*Opookut,* A voluntary Slave.

*Opoo-Pàtuk,* Small Offences.

*Oulàh,* A Drug which when beaten up with Oil is uſed as an Ointment for the Hair, by the vulgar Women in Bengal.

P

*Pàan,* The Beetle Plant.

*Paddee,* Rice unprepared.

*Pàk-Pàriſh,* Falſe Accuſation.

*Pauſs,* ¼ of a Day, or Six Hours.

*Peepul,* A bitter Drug.

*Pehteck,* A White Stone, Chryſtal.

*Peiàdàc,* A Guard to accompany a Priſoner at large.

*Peiſhàch,* One of the Three Inferior Modes of Marriage.

*Peràjàput,* One of the Five Superior Modes of Marriage.

*Peràſhchut,*

| | |
|---|---|
| *Peràſhchut*, | Expiation, Recovery. |
| *Perberjà-beſheet*, | A *Sinaſſee* made a Slave for Apoſtacy. |
| *Perkernukkà*, | A Species of petty Offences. |
| *Perrànek Neeày*. | Appeal to a former Deciſion. |
| *Pertubbiſh Gunden*, | Acknowledgment of a Claim without Ability to pay it. |
| *Perùſt*, | A ſmall Weight or Meaſure. |
| *Phaùgoon*, | One of the Bengal Months, anſwering to Part of February and March. |
| *Plàſs*, | The Name of a Tree. |
| *Poojeh*, | Worſhip. |
| *Poojeh Serſhuttee*, | Worſhip to *Serſhuttee*, who is the Goddeſs of Letters. |
| *Pooràn*, | One of the Gentoo Scriptures upon Hiſtory. |
| *Pooſhtee-kerm*, | Prayers for Health and Proſperity. |
| *Pooſhteh-bundee*, | Embankments of Rivers. |
| *Pooſkul*, | A ſmall Weight or Meaſure. |
| *Pootee*, | A Book, or Compilation. |
| *Pul*, | A ſmall Weight or Meaſure. |
| *Pun*, | Twenty *Gundaes* of Cowries. |
| *Pundit*, | A learned *Bramin*. |
| *Punjeet*, | A Slave who has loſt his Liberty, as a Stake at ſome Game. |
| *Puntubbee-bàden*, | A Salute or Reverence paid by a Bride to the Bridegroom. |
| *Purrickhày*, | Aſſay of Metals. |

*Purrikeh*,

*Purrikeh*, Trial by Ordeal.

R

*Ràjàh*, A *Hindoo* Prince or Monarch.

*Ràkhus*, One of the Three Inferior Modes of Marriage.

*Roy*, A *Hindoo* Prince.

*Rozidus-hàrch*, Certain Holidays in the Month *Aſſen*, in which Period the pompous Worſhip and Burial of the *Hindoo* Deities are celebrated.

*Ryot*, A Tenant, a Subject.

S

*Sàdheh*, Certain Food and Treatment for Women in the laſt State of Pregnancy.

*Sagh*, Vegetables, Greens,

*Sàntee-kerm*, Extraordinary Prayers upon any Calamity.

*Saul*, A large Timber Tree.

*Seboos*, Bran.

*Seekhauberdehee*, Intereſt to be paid daily.

*Seemul*, A Species of Cotton.

*Sejjah*, A fenced Terras.

*Ser*,

*Ser*, An Herb.

*Seràdeh*, Feaſts in Honour of the Dead.

*Seràdeh Amàwus*, A Feſtival at the End of every Month.

*Seràdeh aperpukh*, A preparatory Feſtival to the *Rozidus-hàreh*.

*Seràdeh Buzurgwàr*, A Feſtival of deceaſed Anceſtors.

*Seràdeh-nowànn*, An Offering made once a Year in the Month *Aghun*.

*Serwutteree*, A *Bramin* learned in the *Beids*.

*Seſâmum*, Muſtard.

*Sewàrree*, All neceſſary travelling Equipage, the Suit of a Perſon of Diſtinction, &c.

*Shàghur*, A Deity of the Gentoos.

*Shàheſh*, Violence.

*Shàit*, Bridges or Embankments of Rivers.

*Shàllee*, Rice unprepared; the ſame as *Paddee*.

*Shànſcrit*, The Language of the Gentoo Scriptures.

*Shaſter*, The Gentoo Scriptures in general.

*Shebbi Deijore*, Nights whereon the Moon does not appear.

*Shebbi Tareckee*, The ſame as *Shebbi Deijore*.

*Sheertee*, A certain Part of the Gentoo Scriptures, containing the Legiſlation of the *Hindoos*.

*Shemàbhee*, Games of fighting Animals, &c.

*Shepàk*, A Son of a *Kehta* and a *Wokree*.

*Shiſh*, A Student in Divinity and Science.

*Shumpertee-putt*, Confeſſion, Acknowledgment.

*Shunkeree-kurrun*, A Species of petty Crimes.

*Sinaſſee*, A *Bramin* under Vows of Pilgrimage.

*Sooder*, The Fourth or loweſt original Tribe of Gentoos.

*Sooràdhuch*, A Mark of Infamy, to be branded in the Forehead of a *Bramin*, for drinking Wine.

*Sumooder*, The Sea or main Ocean.

*Sungſerſut-heh*, The Connexion of a Family formed after the Firſt Separation.

*Sunkha*, A Sea Shell, commonly called *Chank*.

*Sunnud*, A Title Deed, a Grant.

## T

*Tàgur*, The domeſtick Idol of Gentoo Adoration.

*Terkarree*, The Species of Gourds.

*Tokerie*, A Baſket.

*Tolecheh*, A Weight, containing Ten *Màſheh*s *of Silver* and Twelve *of Gold*.

*Tûrb*, Radiſhes.

*Turreh*, Vegetables.

*Tyer*, Sour Cream.

V

*Vakeel*, An Attorney, or Agent.

W

*Wokree*, The Daughter of a *Chehteree*, begotten upon a *Sooder* Woman.

Z

*Zeeàrut*, A confecrated Spot of Ground.

*Zukkoom*, The Name of a Tree.

NAMES

# N A M E S

OF THE

# HINDOO MONTHS,

With the correſponding Dates in the *Engliſh* Months, for the *Bengal* Year 1181, or the *Engliſh* Year 1774, and Part of 1775.

| | |
|---|---|
| *Byſâac* begins the | 11th April, 1774. |
| *Jeyt* | 12th May. |
| *Aſſâr* | 12th June. |
| *Sâwun* | 14th July. |
| *Bhàdun* | 14th Auguſt. |
| *Aſſen* | 14th September. |
| *Càutic* | 15th October. |
| *Aghun* | 14th November. |
| *Poos* | 13th December. |
| *Maug* | 11th January, 1775. |
| *Phaùgoon* | 10th February. |
| *Cheyt* | 12th March, ending the 30th, with the 10th April. |

NAMES

# NAMES of AUTHORS,

## Quoted in this Compilation.

Beebà-dur Tunnàgurkàr
Bheb-deeb Bhèt
Chendeeſur
Gerheiſur
Gobind Ràje
Helàyoodeh
Hurree Hur
Jeimoot Bàhun
Jògue Lògue
Kulp-teroo
Lukkee Deher
Meidhab-teetee
Pàcheſhputtee Miſr
Pàlook
Pàrreejaut
Perkàſhkàr
Phàkooree
Sewàrteh Behtàchàrige
Shertee Shàr
Sirree Kiſhen Terkàlungkàr
Sirree Kerràchàrige
Sool Pânee

# A LIST

OF THE

# BOOKS

From whence this POOTEE was compiled, ranked in the Order of their ſeveral Dates, as nearly as could be aſcertained.

Munnoo,

Written by *Munnoo.*—A general Treatiſe.

Jaike-bulk,

Written by *Jaike bulk.*—A general Treatiſe.

Kirtè Kulp-teroo,

Written by *Lukkee Deher.*—A general Treatiſe.

Pàreejàt,

Written by *Muddun Pàreejàt.*—A general Treatiſe.

Bebadrutnàkur,

Written by *Chendeeſur.*—A general Treatiſe.

Bebàd

Bebàd Chentàmunnee,

Written by *Pàcheshputtee Misr.*—A general Treatise.

Neet Chentàmunnee,

Written by *Pàcheshputtee Misr.*—Upon the Duties of the Magistrate.

Dherum Rutten,

Written by *Jeimoot Bàhun.*—Upon Inheritable Property.

Bubhàr Màtereekà,

Written by *Jeimoot Bàhun.*—Upon Justice.

Bubhàr-teilook,

Written by *Bheb-deeb Bhet.*—Upon Justice.

Deep Kateekau,

Written by *Sool Pânee.*—A general Treatise.

Munoo-teekà,

Written by *Moolook Bhet.*—A general Treatise.

Daie-tutt Unt,

Written by *Achârige Choorâmunnee.*—Upon Inheritable Property.

Jaike-bulkè-teekà,

Written by *Beishroop.*—A general Treatise.

Peràshchut Bebeik,

Written by *Sool Pânee.*—Upon Retaliation.

Mirtekherà,

Mirtekherà,

Written by *Mirtekherà Kàr.*—A general Treatise.

Daie Tutt,

Written by *Sewàrteh Behtàchàrige.*—Upon Inheritable Property.

Bubhàr Tutt,

Written by *Sewàrteh Behtàchàrige.*—Upon Justice.

Dàyàdhè-kàree-kerm Shungeràh,

Written by *Sirree Kishen Terkàlungkàr.*—Upon Inheritable Property.

Dherum Rutten-teekà,

Written by *Sirree Kishen Terkàlungkàr.*—Upon Inheritable Property.

# Contents of the Chapters.

## CHAP. I.

*Of Lending and Borrowing.*



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## CHAP. II.

*Of the Division of Inheritable Property.*

Sect.

# CHAP. III.

## *Of Juſtice.*

## CHAP. IV.

*Of Trust or Deposit.*

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## CHAP. V.

*Of Selling a Stranger's Property.*

---

## CHAP. VI.

*Of Shares.*



CHAP.

## CHAP. VII.

### *Of Gift.*

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## CHAP. VIII.

### *Of Servitude.*

Sect. I. Of Appellations of Apprentices, Servants, Slaves, &c.

Sect. II. Of the Modes of enfranchising Slaves.

Sect. III. Of such as are Slaves, and of such as are not Slaves.

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## CHAP. IX.

### *Of Wages.*

Sect. I. Of the Wages of Servants.

Sect. II. Of the Wages, of dancing Women or Prostitutes.

## CHAP. X.

*Of Rent and Hire.*

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## CHAP. XI.

*Of Purchase and Sale.*



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## CHAP. XII.

*Of Boundaries and Limits.*

CHAP.

## C H A P. XIII.

*Of Shares in the Cultivation of Lands.*

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## C H A P. XIV.

*Of Cities and Towns, and of the Fines for Damaging a Crop.*

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## C H A P. XV.

*Of Scandalous and Bitter Expreſſions.*

Sect. I. Of the Denominations of the Crime.

Sect. II. Of the Puniſhment.

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## CHAP. XVI.

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Sect. II. Of Caſes where no Fine is taken.

Sect. III. Of the Fines for the Death of Animals.

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## CHAP. XVII.

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Sect. II. Of the Fines for open Theft.

Sect. III. Of the Fines for concealed Theft.

Sect. IV. Of Apprehending Thieves.

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## CHAP. XIX.

### *Of Adultery.*

Sect. I. Of the ſeveral Species of Adultery.

Sect. II. Of the Fines for the ſeveral Species of Adultery.

Sect. III. Of the Fines for Adultery.

Sect. IV. Of Adultery with an unmarried Girl.

Sect. V. Of Thruſting a Finger into the *Pudendum* of an unmarried Girl.

Sect. VI. Of Stealing away an unmarried Girl.

Sect. VII. Of Adultery with a Woman of bad Character, or a common Proſtitute.

Sect. VIII. Of the carnal Conjunction of a Man with any other Animal.

## C H A P. XX.

*Of what concerns Women.*

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## C H A P. XXI.

*Of Sundry Articles.*



PREFACE.

# PREFACE.

## Account of the Creation.

THE Principle of Truth, having firſt formed the Earth, and the Heavens, and the Water, and the Fire, and the Air, produced a Being, called *Burmhà*, the *Dewtàh*, for the Creation of all Beings (*Dewtàh* is that to which all offer their Worſhip) afterwards he created the *Bramin* from his Mouth, the *Chehteree* from his Arms, the *Bice* from his Thighs, and *Sooder* from his Feet: And he ordered *Burmhà* to complete the other Creations, and to ſettle the ſeveral Employments reſpectively of the *Bramin*, the *Chehteree*, the *Bice*, and the *Sooder*, that he had created; and he committed the Government of all Beings to *Burmhà*.—*Burmhà*, according to Order, produced in the World Mankind, and Beaſts innumerable, and Birds, and Vegetables, and all inanimate Things, and Serpents of all Kinds and Varieties, and Piety, and Morality, and Juſtice, and Continence, and Luſt, and Anger, and Avarice, and Folly, and Arrogance, and Drunkenneſs. And whereas the *Bramin* proceeded from the Mouth of the Principle of Truth, for this Reaſon His Rank is the moſt eminent; the *Chehteree* ſprung from his Arms, his Rank therefore is Second; the Origin of the *Bice* is from the Thighs, and his Rank is the Third in Eminence; and the *Sooder*, who ſprung from the Feet, is therefore the leaſt in Degree of them all. *Burmhà* firſt ſettled the Occupation of each of theſe Four Tribes; as that the Occupation of the *Bramin* ſhould be to read the *Beids*, and other *Shaſter*, and

to

to teach the *Shaster*, and to perform the *Jugg* and Worſhip; and to cauſe the Performance of the *Poojeh*, *i. e.* the Worſhip to *Dewtàh*, and of the *Jugg* by others; and to perform and to accept the *Dàn* (an Explanation of the Terms *Jugg* and *Dàn* is to be found in the Chapter of *Inheritable Property*:) Among theſe Occupations already deſcribed, Three are for their Subſiſtence and Support; and Three for the Exerciſe of Piety; as for Inſtance, to cauſe the Performance of the *Poojeh* and *Jugg* of others; and to inſtruct Pupils, from whom ſome Premium is received; and to accept the *Dàn*: Theſe Three Occupations are to be the Source of Subſiſtence to the *Bramin*; and the other Three Occupations are for the Exerciſe of his Piety. The Occupations of the *Chehteree* are to learn the Sciences, to perform the *Poojeh* and *Jugg*, to perform the *Dàn*, and, arming himſelf with the Implements of War, to defend and ſecure the *Reyots*; and for his Subſiſtence, the *Chehteree* ſhall ſerve in the Defence of the *Reyots*; the other Three Occupations are for Exerciſes of Piety to the *Chehteree*. To the *Bice* alſo, it was enjoined to learn the Sciences, and to perform the *Dàn* and the *Jugg*; and beſides this, to him was permitted Commerce, and the tending of Cattle, and Agriculture; the Acquiſition of Science, and the Performance of the *Dàn* and *Jugg*, are for the Advancement of his eternal Happineſs; and Commerce, and the tending of Cattle and Agriculture, are for his Livelihood. The Tribe of *Sooder* ſhall be Servants to the *Bramin*, the *Chehteree*, and the *Bice*.

If a *Bramin* cannot procure a Subſiſtence by the Exerciſe of his own appointed Occupations, he ſhall earn a Livelihood by applying to the Occupations of the *Chehteree*: If alſo he fails to acquire a Subſiſtence from the Occupations of the *Chehteree*, he ſhall exerciſe thoſe of the *Bice*; but of thoſe Occupations, he ſhall firſt apply to the tending of Cattle, and to Commerce; if from thoſe alſo, he cannot earn his Support, he ſhall then betake himſelf to Agriculture. If a *Bramin* applies himſelf to Commerce, he ſhall not ſell either Salt, or any Articles of Sweet, or of Bitter, or of Aſtringent, or of Acid, or

Victuals,

Victuals, or Stones, or Iron, or Animals, or Men, or Red Cotton Cloth, or Silk Pieces, or Blankets, or other Species of the fame Kind made of Sheeps Wool, or Camphire and other Aromaticks, or Honey, or Water, or Poifon, or Flefh, or Milk, or *Tyer* (Sour Cream) or *Ghee*, or bitter Oil, or *Sefamum*, or the Grafs *Kofe* (which is a particular Species of Grafs) or Birds, or Wine, or Fifh, or Wax; but the *Sefamum*, if it be produced in Land belonging to the *Bramin*, he may fell on the fame Day that it is cleared from the Hufk. The *Chehteree*, if he cannot fubfift by his own proper Occupations, fhall exercife thofe of the *Bice*; and if the *Bice* fails of a Subfiftence from his own Occupations, he fhall apply to thofe of the *Sooder*; and if the *Sooder* fails of a Livelihood, he fhall apply to Painting, or to Needle-Work, or fome other fuch Employment: In this Manner are their feveral Occupations divided and diftinguifhed from each other.—For fome Period after the Creation of the World, there was neither Magiftrate nor Punifhment; and no Man committed Crimes, or exercifed Injuftice and Oppreffion upon his Fellow Creatures; and the *Reyots* were nourifhed with Piety and Morality; but, in procefs of Time, Luft and Anger, and Avarice, and Folly, and Arrogance, and Drunkennefs, became fo predominant over the feveral Members of Men, that with-holding them from Actions of Piety, they became the Guides to all Wickednefs; and Men employed themfelves in all Occupations of Debauchery and Iniquity, and affumed the Licentioufnefs of eating Things forbidden them to eat, and of uttering Words forbidden them to utter; no Man regulated his Actions in conformity to the *Beids*, nor walked in any Path but that of Sin. When fuch Iniquities firft began in the World, *Burmhà* having reflected within himfelf, and having written in the *Shafter* the Means for the Improvement of Mankind, and the Bufinefs of the Magiftrate, and the feveral Duties of the *Bramin*, the *Chehteree*, the *Bice*, and the *Sooder*, and the Proportions of Punifhment to be inflicted on Offenders by the Magiftrate, and all other Affairs and Concerns, iffued his Command to a Man named *Beirooja*, a *Chehteree*, to affume the Magiftracy, and to protect the *Reyots*, and to punifh the Guilty, according to the Ordinations of the *Shafter*, to the end that Men

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might not have the Power of committing Injuſtice and Violence upon each other. *Beircejâ*, not conſenting to accept the Magiſtracy, left his Son *Keiroot-mân*, and himſelf fled into the Deſarts, to pay his Adorations to the Principle of Truth: In the ſame Manner alſo *Keiroot-mân* left his own Son, by Name *Kerdum*, and himſelf took the Path of Adoration; *Kerdum* alſo, leaving his own Son, by Name *Anung*, haſtened to the Way of Truth; *Anung*, the Son of *Kerdum*, becoming the Magiſtrate, for ſome Time regulated his Actions in conformity to the *Shaſter:* After which *Neit-mân* his Son took upon him the Magiſtracy and the Government; a Son was born to *Neit-mân*, by Name *Bein*, in whom every Sign of an inhuman Diſpoſition plainly appeared; as for Inſtance, during his Childhood, at the Time of Play, he would bind the Children Hand and Foot, and throw them into deep Rivers, and would break Mens Pitchers, and employ himſelf in all ſuch Kind of fooliſh and unworthy Occupations; the *Reyots* of the Kingdom, deſponding under his Injuſtice and Oppreſſion, came before his Father, who was the Magiſtrate, and ſolicited Redreſs; the Father on hearing this Account of the eternal Injuſtice and perpetual Innovations of his Son, and not being able to reſtrain him, departed into the Deſart: The Kingdom being thus left without a Magiſtrate, the *Bramins* conſtituted *Bein* to the Magiſtracy: This unworthy Perſon, thus becoming the Magiſtrate, iſſued a Proclamation throughout his Kingdom, that no Man ſhould perform the *Jugg*, or the *Poojeh*, or any ſuch Works of Piety; and that whoever executed Juſtice ſhould receive ſevere Puniſhment: Upon this Intelligence the *Bramins* went to him, and gave him many Sermons of Advice, and many Lectures of Admonition, telling him, "that the Duty of a Magiſtrate was to cauſe Exerciſes of Piety to be performed throughout his Kingdom; and that he who cauſed any Obſtruction or Oppoſition to Good Works would go to *Gehennum*; and that if the Magiſtrate did not protect and comfort the *Reyots*, it would be the Cauſe of his Kingdom's Deſtruction. If the Magiſtrate deſerts the Exerciſe of Piety, How can it be, that the *Reyots* ſhould employ themſelves in good Actions? In that Caſe, Men will take the Poſſeſſions and Wives of each other. A Kingdom with an unjuſt Magiſtrate,

trate, and a Kingdom without a Magiſtrate, are ſimilar to each other; and a Kingdom where Works of Iniquity are practiſed, and where the *Poojeh* and Worſhip are not performed, ſuch a Kingdom is as if it were without a Magiſtrate; as for Inſtance, a Man of the *Chehteree* Caſt commits Adultery with a Woman of the *Bramin* Caſt, and a *Bramin* with a Woman of the *Chehteree*; and in the ſame Manner all the Caſts unite with each other promiſcuouſly; and from the Conjunction of Two different Caſts proceeds the Tribe of *Burrun Sunker*; and that there ſhould be a *Burrun Sunker* is criminal; it is better therefore to deſiſt from theſe impious Practices." *Bein* anſwered, " Theſe your Admonitions are not profitable for me, neither do I approve of theſe Speeches; let us ſee, ſince the Tribe of *Burrun Sunker* is produced, what its Religion and Manners muſt be; the *Bramins* afflicted and diſguſted departed to their own Habitations; and that oppreſſive Magiſtrate, ſending for a Woman of the *Bramin* Caſt, had carnal Connexion with her, and from thence a Son was born; and in the ſame Manner, from the Conjunction of Men of one Tribe with Women of a different Tribe, many Sons and many Daughters came into Exiſtence; and from the Connexion of a Man of the *Bice* with a Woman of the *Sooder* Caſt, the Child that was born, his Tribe is called *Kerrum* or *Koit*; and from a Man of the *Bramin* and a Woman of the *Bice* Caſt ſprung the Tribe of *Ambuſht* or *Bade*, and *Kundeh-beneik* or Druggiſts, and the Tribe of *Kunkar* or Artificers in *Kâſeh*, and *Kâſeh* is a Mixture of Copper and *Arzeez*; and the Tribe of *Sunkâhkar* or Artificers in *Sunkâh* (or Sea Shells) and the Women wore *Sunkhâh* upon their Hands; theſe Four Tribes were produced: And from a Man of the *Chehteree* and a Woman of the *Sooder* Caſt ſprung the Tribe of *Okeree*, and the Tribe of *Hejam* (Barbers) and the Tribe of *Moduck*, *i. e.* Sellers of Candy, were derived; and from a Man of the *Sooder* and a Woman of the *Chehteree* Caſt ſprung the Tribe of *Koinbehkar*, *i. e.* *Kelâl* or Potters, and the Tribe of *Tunterbâ*, *i. e.* Weavers, and the Tribe of *Ghermkâr*, *i.e.* Smiths, and the Tribe of *Doſt*; and from a Man of the *Bice* and a Woman of the *Chehteree* Caſt are derived the Tribe of *Mâgdeh*, *i. e.* Fortune-Tellers, and the Tribe of *Koop*; and from a Man of the

*Bramin*

*Bramin* and a Woman of the *Sooder* Caſt is ſprung the Tribe of *Barjebee*, *i. e.* *Berree*; and from a Man of the *Chehteree* and a Woman of the *Bramin* Caſt the Tribe of *Soot* and *Màlàkàr*, *i. e.* Sellers of Flowers; and from a Man of the *Bice* and a Woman of the *Sooder* Caſt ſprung the Tribe of *Tawleek* or *Tillee*, and *Tumboolee* (Panſellers.) Theſe Tribes are of the Firſt Rank among the Tribes of the *Burrun Sunker*.

From a Man of the *Kerrun* and a Woman of the *Bice* Caſt ſprung the Tribe of *Tukkehyàh*, *i. e.* Carpenters, and the Tribe of *Rujuk*, or Waſhers; and from a Man of the *Ambuſht* and a Woman of the *Bice* Caſt the Tribes of *Sherrunkar*, or Goldſmiths, and of *Shoberun-beneik*, or *Soonar Buneeah*; and from a Man of the *Koop* and a Woman of the *Bice* Caſt were derived the Tribes of *Teilkàr*, *i. e.* Sellers of Oil, and of *Abheir*; and from a Man of the *Koop* and a Woman of the *Sooder* Caſt ſprung the Tribe of *Dheiber* or *Julyâ*, and the Tribe of *Shoondruk* or *Soondrie*; and from a Man of the *Màlàkàr* and a Woman of the *Sooder* Caſt ſprung the Tribe of *Nàtt* or Dancers, and the Tribe of *Shàruk*; and from a Man of the *Màgdeh* and a Woman of the *Sooder* Caſt aroſe the Tribes of *Seeker* and *Jàleik*. Theſe Tribes bear the middle Rank of the Tribes of the *Burrun Sunker*.

From a Man of the Goldſmith and a Woman of the *Ambuſht* Caſt ſprung the Tribe of *Mulukerrhee*; and from a Man of the *Shoberun-beneik* and a Woman of the *Bade* Caſt ſprung the Tribe of *Kooroobà*; and from a Man of the *Sooder* and a Woman of the *Bramin* Caſt was derived the Tribe of *Chendàl*; and from a Man of the *Abheir* and a Woman of the *Koop* Caſt ſprung the Tribe of *Beroor*; and from a Man of the *Abheir* and a Woman of the *Bice* Caſt was propagated the Tribe of *Tukkeh*, and *Chermkàr*, *i. e.* Shoemakers; and from a Man of the *Rujuk* and a Woman of the *Bice* Caſt ſprung the Tribe of *Keht Jeibenee*, *i. e.* the Tribe of *Putnee*; and from a Man of the Caſt of Oil-Seller and a Woman of the *Bice* Caſt came the Tribe of *Doolà-bàhee*; and from a Man of the *Dheiber* and a Woman

a Woman of the *Sooder* Caſt aroſe the Tribe of *Mull*. Theſe Tribes are of the laſt Rank among the Tribes of the *Burrun Sunker*.

*Keroor* is the Name of a Bird. *Keroor*, having brought a Man from *Shàkud Deep*, caſt him down upon *Jumboo Deep*, *i. e.* this World; that Tribe is called *Deiool*; and there are Seven *Deeps*, *viz.*

*Jumboo Deep*,
*Pulkhoo Deep*,
*Shoolmeloo Deep*,
*Kooſhud Deep*,
*Keroonchud Deep*,
*Shàkud Deep*,
*Pooſhkerud Deep*.

The Explanation of *Deep* is this: *Deep* ſignifies Land; and on every Side of each *Deep* is the *Sumooder*, or Main Ocean; and the Length and Breadth of this *Deep*, which is called *Jumboo*, is One Hundred Thouſand of *Joojun*, or Four Hundred Thouſand *Coſe*; and the Length and Breadth of the Second *Deep*, is twice as much as that of this *Deep*; and that of the Third *Deep*, Four Times as much; and that of the Fourth, Eight Times as much; and that of the Fifth, Sixteen Times as much; and that of the Sixth, Thirty-two Times as much; and that of the Seventh, Sixty-four Times as much. And from a Man of the *Deiool*, and a Woman of the *Bice* Caſt was derived the Tribe of *Gung*, or Aſtronomers, and the Tribe of *Bàduk*, *i. e.* the Tribe of *Bâitee*, and the Tribe of *Poolund*, and the Tribe of *Powukkuſh*, and the Tribe of *Kehſh*, and the Tribe of *Jebun*, and the Tribe of *Shookeh*, and ſuch Kind of Tribes, called *Muluch*; *Muluch* are ſuch Tribes as eat forbidden Food, and to whom permitted and forbidden Meats are equal: Theſe ſprung from the Members of the tyrannick *Bein*.

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The *Bramins*, upon Intelligence of all this, execrating the oppreſſive Magiſtrate with internal Hatred, put him to Death: When the Kingdom was thus without a Magiſtrate, the *Bramins* rubbed his two Hands, and from his Right-Hand produced a Son, by Name *Pert-hoo*, armed and dreſſed in the Arms and Habiliments of War, and well ſkilled in the Science of War, and a *Pundit* in the *Shaſter*, and in Form and Shape like to the *Dewtâh*; and from his Left-Hand they raiſed a Daughter, and this Daughter they married to *Pert-hoo*, and raiſed him to the Magiſtracy; and *Pert-hoo* was very juſt, and protected his Subjects, and careſſed the peaceable, and puniſhed the oppreſſive, and behaved with Reſpect and Regard towards the *Bramins*, and employed himſelf laudably in all ſuch Kind of good Actions, in conformity to the *Shaſter*: Then all the People, both great and mean, were employed in Works of Piety, and the Kingdom enjoyed Comfort and Tranquillity. The *Brâmins*, having expreſſed their Praiſes and Approbation, took their leave. *Pert-hoo*, fulfilling the Offices of Fidelity and good Intention, governed the Kingdom with Juſtice and Equity; but his Mind remained embarraſſed and uneaſy; wherefore he ſummoned the *Bramins*, and inquired of them, ſaying, "I exerciſe the Magiſtracy, and protect the *Reyots*, according to the *Shaſter*; tell me therefore, What is the Cauſe that my Mind is diſturbed, and why are the *Reyots* of the Kingdom in Poverty?" The *Bramins* anſwered, "Your Father carried Injuſtice and Works of Iniquity to the laſt Extremity; inſomuch that the Tribes of *Burrun Sunker* originate from him: And whereas he would liſten to none of the Cautions that were given him; from the Enormity of his Crimes, the Kingdom is become ripe for Diſobedience; on this Account, the Fruits of the Earth are produced in leſs Plenty, and the *Reyots* alſo are ſtricken with Poverty; and this likewiſe is the Cauſe of the Vexations of your noble Diſpoſition." *Pert-hoo*, on hearing this Account, ſaid to the *Bramins*, "Now, therefore, How ſhall I act, and what Remedy can I apply to this? Shall I put the Tribes of *Burrun Sunker* to Death? Tell me what is moſt adviſable." The *Bramins*, upon Conſultation,

fultation, and mutual Confent among themfelves, replied, " The Tribes of *Burrun Sunker*, fuch as they now are, let them remain: And be it cautioufly obferved, and provided for, that, exclufive of thefe, no other new Tribes of *Burrun Sunker* may be produced. It is not right to put thefe to Death; but you muft appoint them their feveral Occupations, and direct them to the Exercife of Piety; neither fhall they be difobedient to your Commands: Whofoever controverts your Orders fhall be accounted criminal, and worthy of Death: Act therefore as your Underftanding directs." This juft Magiftrate therefore fummoned all the Tribes of *Burrun Sunker* before him, and faid to them, " Wherefore are your Forms fo vile; your Bodies fo emaciated and difgufting; your Cloaths fo inconvenient, fo coarfe and fo ragged?" They anfwered, " What Manner of Speech is this? Our Forms are the fartheft from vile; and our Drefs is elegant; and our Bodies are plump and healthy: Are you not poffeffed of Sight? Our Origin is from the Practices of your Father; *Burmhà*, is not of fuperior Rank to us." The *Bramins*, who were in the Magiftrate's Prefence, fmiled at thefe Expreffions; but the juft Magiftrate was incenfed at the Speeches of thefe diforderly Wretches; and the Servants, according to his Order, bound and beat them. The Tribes of *Burrun Sunker*, now reduced to Extremity, fought for Pity, and implored Pardon for their Offences, faying, " We will be obedient to your Commands; act therefore as to you fhall feem moft proper, to change our vile and wretched Appearance to Neatnefs and Elegance: Appoint us alfo our Occupations; and fettle our *Burrun*, or Peculiarity, and Property of Tribes." *Pert-hco*, upon this, addreffed himfelf to the *Bramins*, faying, " You are *Pundits*, and learned and wife; conftitute therefore to each of thefe, according to their feveral Abilities, an Occupation and a Tribe." In Obedience to the Order of this juft Magiftrate, the *Bramins* faid to them, " You are of the Cafts of *Sooder*; let each Perfon among you declare what Employment he is willing to exercife." On hearing this, the Tribe of *Kerrun* firft ftepped forth, and addreffed them, faying, " We are altogether ignorant and foolifh; what Petition can we

make

make in this Cafe? But you, who are *Pundits*, make proper Inveftigation, and fettle accordingly." The *Bramins* then made known to the juft Magiftrate, that "This Perfon will become of found Underftanding, and of laudable Principles; he has fpoken with great Propriety. This Tribe fhall perform the Service of the Magiftrate, and fhall have due Faith in the *Bramins*, and in the *Dewtàh*; and of the *Soodur* Cafts this Tribe fhall be the Firft in Rank." The *Bramins* then faid to *Kerrun*, "Do you exercife the Profeffion of Writing and Reading; and find Employment in the Service of the Magiftrate." Next ftood up the Tribe of *Ambufht*, to whom was given the *Shafter* of Phyfick. Afterwards came *Kundeh-beneik*, to him was allotted the Occupation of Druggift. Then appeared the Tribe of *Kunkàr*, to him it was allotted to make Veffels of Brafs, and *Kàfeh*, and Copper, and all fuch Kind of Things. Next appeared the Tribe of *Sunkehkàr*, to whom it was given to work in *Sunkhà* or Sea Shells. Afterwards came the Tribe of *Ookeree*, to him was allotted the Occupation of War. Then the Tribe of *Hejàm*, to whom *Hejàmut* or the Profeffion of Barber was configned. Next came the Tribe of *Moduk*, into his Hands was put the Preparation of Confectionary. After thofe the Tribe of *Koombehkar*, to whom was appointed the Bufinefs of making earthen Veffels. Then came the Tribe of *Tunterbà*, to weave Cloth became his Occupation. Next appeared *Ghermkàr*, the Formation of all Inftruments of Iron became his Employment. After that came the Tribe of *Màgdeh*, to whom the *Bramins* faid, "Do you make War your Occupation." They anfwered, "We are not able to follow the Employment of War; except this, order us whatever Occupation you choofe." The *Bramins* returned Anfwer, "You fhall then difplay the Characters and good Qualities of the People, and fhall write the fame, and carry it about from Kingdom to Kingdom, and give Intelligence; Defcription fhall be your Employment." Then came the Tribe of *Koop*, his Employment was appointed to take care of Accompt Books. Afterwards came the Tribe of *Berree*, to whom it was allotted to raife the *Pâan* or Betle Plant. Afterwards appeared the Tribe of *Ruffoot*, the Care of Horfes became

became his Employ. Next ſtood forth the Tribe of *Màlàkàr*, to ſell Flowers became his Occupation. Then came the Tribe of *Tawleek*, to ſell the Beetle-Nut became his Employ. Afterwards appeared the Tribe of *Tumboolee*, his Occupation it became to ſell the Beetle Plant. Then came the Tribe of *Tukkehyàh*, to him it was allotted to cut Wood and to ſplit Timber, and to prepare all Manner of Articles in Wood. Next came the Tribe of *Rujuk*, to him was appointed the Employment of Sewing Cloaths. Then came the Tribe of *Sherrunkar*, to him was given to make Jewellery. Next appeared the Tribe of *Shooberunbeneik*, to him was allotted the Occupation of *Perrikhaye*, or Trial of Gold and Silver. Then came the Tribe of *Teilkàr*, to whom it was given to make and to ſell Oil. Afterwards appeared the Tribe of *Dheiber*, whoſe Occupation it became to catch Fiſh. Then the Tribe of *Nàtt*, whoſe Occupation it became to dance. Afterwards the Tribe of *Chendàl* appeared, the Occupation of feeding Dogs and Aſſes was given to it; and its Habitation ſhall be without the Town, and it ſhall take the Cloaths of dead Perſons, and ſhall caſt out the Bodies of ſuch as die without Heirs; and whomſoever the Magiſtrate orders to be put to Death, this Tribe ſhall put the condemned Perſon to Death accordingly. Next came the Tribe of *Chermkàr*, working in Leather was appointed for its Occupation. Next came the Tribe of *Nujoomee*, the *Jooteeſe* or *Shaſter* of Aſtronomy was given to it for an Employ. Then ſtood up the Tribe of *Bàduk*, Drum-beating, and Playing on other Muſical Inſtruments, was given to it for an Occupation. Next came the Tribe of *Powukkuſh*, to him was given the Employment of ſlaying wild Beaſts.

All this preceding *Explanation* is to make manifeſt the Reaſon of the firſt Inſtitution of the *Shaſter*, and the Cauſe of the Superiority of one Tribe over another.

The ſeveral *Indian* Words, which are adopted in this *Account of the Creation*, except the Appellations of the Tribes of the *Burrun Sunker*, are all explained in the different Chapters and Sections where they occur.

N *Account*

## *Account of the Qualities requisite for a Magistrate, and of his Employment.*

PROVIDENCE created the Magistrate for the Guardianship of all. The Magistrate must not be considered as a mere Man; even in the Case of the Magistrate being a Child, he must still be looked upon in the Light of the *Dewtàh*; in Truth, the Magistrate is the *Dewtàh* in a human Form, born in this World: The Magistrate must never be held low and contemptible; if any Person conceives the Magistrate to be mean and abject, such Person the Magistrate destroys, together with all his Effects and Property; and to whomsoever the Magistrate behaves with Respect and Kindness, such Person's Effects and Property become extensive; and against whomsoever he is enraged, that Person dies; and whoever vilifies and abuses the Magistrate sports with his own Life. Providence created Punishment for the Preservation of the Magistracy; if the Magistrate inflicts Punishment according to the *Shaster*, his Subjects are obedient to his Commands; if he omits to punish according to the *Shaster*, his Kingdom and his Property become ruined and desolate.

For Four Months the Magistrate shall not collect Tribute from the Subjects, but shall give them free Agency; and endeavour, by promoting their Satisfaction and Content, to cause them to cultivate and improve their Lands: During the remaining Eight Months, he shall collect the settled yearly Tribute; and shall appoint *Hircarrahs* and Spies through his Kingdom, to inspect what Employment each Person pursues, and if Tranquillity is preserved; and when Men are guilty of Crimes, he shall cause them to be seized; and, becoming as inexorable as the Kingdom of Death, shall inflict Punishment on them: Such good Works let the Magistrate practise; and let him address the People in kind and affectionate Terms, that they may all be contented and thankful under him;

and

and let him be ſo formidable, that his Enemy may not be able to come into his Preſence; let him alſo be patient and forbearing, and ſupport the Burthens of all his People.

THE Magiſtrate ſhall cauſe to be made for himſelf a round *Chàt-her*, or Umbrella of the Feathers of the Bird *Lut*, or of Peacocks Feathers.

WHOEVER is of laudable Principles and acute Judgment, and of good Actions, and of right Opinions, and a Man of Rank, and of Courage, and a Commender of what is laudable, and with whom the *Reyots* are contented, and who is deſcended from a Father and Anceſtors, who were Counſellors to the Magiſtrate, of ſuch Perſons the Magiſtrate ſhall conſtitute Seven or Eight Counſellors to himſelf.

WHOEVER has Memory to retain what he hears, and who ſpeaks ſo intelligibly that no Doubt of his Meaning ariſes in his Audience, and who is a Man of good Actions, and not of profligate Habits, and who keeps in Subjection his Luſt, his Anger, his Avarice, his Folly, his Drunkenneſs, and his Pride, and is a Man well inſtructed in Science, ſuch Perſon the Magiſtrate ſhall conſtitute his *Leekhuk* or *Moonſhi*, and Writer.

WHOEVER is of laudable Principles, and very capable in all the *Shaſter*, and in Buſineſs, and who can underſtand the Meaning of a Nod or a Sign, and who can diſcern from the Motion of the Magiſtrate's Lips, or the Aſpect of his Countenance, the Magiſtrate's Pleaſure or Diſpleaſure, and who is reſpectable before all others, and who can well finiſh whatever Buſineſs he goes upon, and who can retain any Speech that he hears, and who is not governed by Luſt, or Anger, or Avarice, or Folly, or Drunkenneſs, or Pride, and who is acquainted with the different Circumſtances of all Kingdoms, and can diſtinguiſh proper from improper Seaſons, and who is a Man of Strength, of Courage, and

a fluent

a fluent Speaker, ſuch Perſon the Magiſtrate ſhall appoint his *Doot*, *i. e.* his Agent and *Hircarrah*.

THE Magiſtrate ſhall erect a ſtrong Fort in the Place where he chooſes to reſide; and ſhall build a Wall on all the Four Sides of the Fort, with Towers and Battlements; and ſhall make a full Ditch on all the Four Sides thereof, and ſhall have Water near it, that, at the Time of Neceſſity, when the Water fails in all the *Nullâhs*, the Ditch may be completely full; and he ſhall plant Trees within the Fort, and he ſhall have within the Fort many Troops of Horſe and Foot to guard the ſame, and great Store of Arms, and much Money, and many Things of all Kinds; and Store of Victuals and Drink, and Horſes, and Elephants, and Camels, and Cattle, and all Beaſts of Burthen in great Plenty; and he ſhall keep there great Stores of Hay; and many *Bramins*, and Painters, and Smiths, and all other Kind of Artificers; and all Sorts of Muſical Inſtruments alſo ſhall be kept within the Fort; and he ſhall cauſe great Pools to be made: It is to be underſtood, that there ſhould be Store of all Kinds of Things laid up within the Fort, that there may never be the Complaint of a Want of any Thing.

THE Magiſtrate ſhall keep in Subjection to himſelf his Luſt, Anger, Avarice, Folly, Drunkenneſs, and Pride: He who cannot keep theſe Paſſions under his own Subjection, How ſhall he be able to nouriſh and protect the People? Neither ſhall he be ſeduced by the Pleaſures of the Chaſe, nor be perpetually addicted to Play; nor muſt he be always employed in dancing, ſinging, and playing on Muſical Inſtruments; nor muſt he ſleep in the Day-time; nor ſhall he falſely accuſe any Perſon; nor ſhall he always remain concealed in his private Apartments; nor practiſe the drinking of Wine; nor ſhall he go to any Place without a Cauſe; and ſhall not diſpraiſe any Perſon without knowing his Faults; nor ſhall he cauſe any Moleſtation to Men of Worth; nor ſhall he put any Perſon to Death by artful and deceitful Practices; nor ſhall he take away the Property of any Perſon; nor ſhall he envy another Perſon's ſuperior Merit;

nor

nor ſhall he ſay, that ſuch Perſons as are Men of Capacity are Men of no Capacity; nor ſhall he abuſe any Perſon; and ſhall not hold any Perſon guilty, without the Commiſſion of a Crime.

To the good Man, the Magiſtrate ſhall give Effects and Money; and ſhall content and pleaſe Children, and old Men, and Men in Want, and Men who are worthy to perform Worſhip, by ſpeaking kindly to them, and by giving them Money; and to ſuch Perſons as ſeek Defence from him, he ſhall ſhew Favour and Comfort, and ſhall preſerve them under the Shadow of his Protection, and ſhall not take Bribes from them; and ſhall nouriſh the *Reyots* of his Kingdom, according to the Ordinations of the *Shaſter*; and ſhall inflict a proper Puniſhment upon his Enemies; and ſhall not cheriſh any Reſentment in his Heart againſt his Friends, but be of pure and clean Intentions; and in all Caſes, he ſhall ſpare and excuſe the *Bramins*; and if any Perſon, either his Superior or his Equal, or his Inferior in Strength, comes to make war againſt him, in the Preſence of ſuch Perſon, the Magiſtrate muſt not fail of Courage.

The Magiſtrate ſhall not make war with any deceitful Machine, or with poiſoned Weapons, or with Cannon and Guns, or any other Kind of Fire Arms; nor ſhall he ſlay in War a Perſon born an Eunuch, nor any Perſon who, putting his Hands together, ſupplicates for Quarter, nor any Perſon who has no Means of Eſcape, nor any Man who is ſitting down, nor any Perſon who ſays, " I am become of your Party," nor any Man who is aſleep, nor any Man who is naked, nor any Perſon who is not employed in War, nor any Perſon who is come to ſee the Battle, nor any Perſon who is fighting with another, nor any Perſon whoſe Weapons are broken, nor any Perſon who is wounded, nor any Perſon who is fearful of the Fight, nor any Perſon who runs away from the Battle.

If a Man hath taken in a Battle any Carriage, or Elephants, or Horſes, or Camels, or Kine, or Buffaloes, or Goats, or Sheep, or any ſuch Kind of Beaſts,

 or

or *Paddee*, or Wheat, or Barley, or *Gram*, or Muſtard Seed, or ſuch Kinds of Seed and Grain, or Umbrellas, or Cloaths, or Salt, or Sugar, he ſhall become Poſſeſſor of them all; and if he hath taken, as a Prize, Gold or Silver, or Jewels, or Lands, all ſuch Things ſhall belong to the Magiſtrate.

The Magiſtrate, at the Time of Battle, ſhall receive, from his *Hircarrahs* and Spies, Intelligence of the Adverſary, and of his own Party, and of what is their immediate Employment; if his Counſellors and other Men are diſheartened, then, by giving them Effects and Money, or by ſpeaking kindly and comfortably to them, he ſhall endeavour to raiſe their Spirits.

The Magiſtrate ſhall firſt attempt with his Enemy Accommodations of Peace, and ſhall not at once prepare for War; if the Enemy does not make a Compoſition, then, by diſburſing ſome Money, he ſhall ſhew the Way to a Reconciliation; if the Enemy is diſcontented with this alſo, he ſhall ſend to the adverſe Party a Man of Intelligence, and well ſkilled in Artifice, to inſinuate himſelf among the Enemy's Men, and make them diſſatisfied with each other, that they may quarrel and fight among themſelves, and ſo be ruined; if the Affair fails alſo of being compromiſed by theſe Means, he muſt then prepare for Battle.

Whenever the Army and the Implements of War are abundant, and the Counſellors contented and unanimous, then let them go to the Battle.

Whenever the Counſellors and Troops are contented, and in Spirits, and the Enemy has made but little Preparation, and the Troops and Counſellors of the Enemy are diſſatisfied, then let them go to the Battle.

When the Enemy's Preparations are formidable, and your own Preparations are ſcanty, then you muſt divide your Army into Two Parts; and, by attacking the Enemy in Two Places, you ſhall obtain the Victory.

When the Enemy is victorious, and yourſelf defeated, Protection muſt be ſought from ſuch Perſon as is of a right Judgment, and of a peaceable Diſpoſition.

The Leader of the Army ſhall keep a cautious Watch on all Sides; and on whatever Side the Enemy approaches, he ſhall on that Quarter go to Battle.

The Magiſtrate, whatever Province he ſhall conquer, and annex to his own Authority, ſhall pay Worſhip to the *Dewtàh* of that Country, and ſhall give much Effects and Money to the *Bramins* of that Province, and ſhall ſhew Reſpect and Courteſy to Men of good Actions, and Kindneſs and Clemency to the Subjects there, and ſhall appoint whomſoever there ſhall happen to be deſcended from the ſame Grandfather with the Perſon whom he has conquered, to the Magiſtracy of that Province.

The Magiſtrate, while there yet remains Four *Ghurrees* of the Night, ſhall riſe from Sleep, perform his Ablutions, and, in a proper Manner, pay the *Poojeh* to his Deity; after which, he ſhall put on a choice Dreſs, and valuable Jewels; and, having firſt performed due Obeiſance, and reſpectful Salutations to the *Dewtàh*, and to the *Bramins*, ſhall ſeat himſelf upon the *Muſnud* (or Throne) of the Magiſtracy, and diſpatch the ſeveral Affairs of Government; and, in every Tranſaction, ſhall act in conformity to the *Shaſter*.

The Magiſtrate ſhall appoint ſome one Perſon his *Gomaſtah* or Agent in each Town; and he ſhall conſtitute a Perſon to Two Towns; and alſo an *Ihtimamdàr* or Superintending Agent to Three Towns; ſo alſo one Perſon to Five Towns; and one Perſon to Ten Towns; and one Perſon to Twenty Towns; and one Perſon to One Hundred Towns; and one Perſon *Ihtimamdàr* to One Thouſand Towns. If any Affair ſhould happen in any Town, the

*Gomaſtah*

*Gomaſtah* of that Town ſhall give Intelligence thereof to the *Ihtimamdàr* of Two Towns; and the *Ihtimamdàr* of Two Towns to the *Ihtimamdàr* of Three Towns; and the *Gomaſtah* of Three Towns to the *Ihtimamdàr* of Five Towns; and the *Ihtimamdàr* of Five Towns to the *Ihtimamdàr* of Ten Towns; and the *Ihtimamdàr* of Ten Towns to the *Ihtimamdàr* of Twenty Towns; and the *Ihtimamdàr* of Twenty Towns to the Lord of One Hundred Towns; and the Lord of One Hundred Towns to the Lord of One Thouſand Towns; and the Lord of One Thouſand Towns to the Supreme Magiſtrate.

The Magiſtrate, in the Month of *Cheyt* (Part of March and April) ſhall not let any Perſon dreſs his Victuals in the Day-time; and ſhall, in different Places, cauſe Wells and Pools to be digged; and ſhall plaiſter the Houſes of the Kingdom with Clay; and ſhall caſt out the Heaps of Wood and Graſs from the cultivated Country to the Waſte; and ſhall cauſe the Wells and Pools that are filled with Mud, and Briers, and Rubbiſh, to be cleanſed; and ſhall not permit any Perſon to light a Fire in the Day-time, except only that the *Bramins* ſhall perform the *Jugg*, and the Ironmongers and Goldſmiths, and ſuch Kinds of Artificers, may light a Fire in their own Work-Shops, for the Performance of their Buſineſs; but they muſt keep their Fire under the niceſt Caution: And, excluſive of thoſe, if any other Perſon, during the Month of *Cheyt*, kindles a Fire in the Day-time, the Magiſtrate ſhall hold him guilty; and he ſhall be circumſpect, that not a ſingle Sign of Sharpers, and Men of bad Principles, and ſuch as cannot diſtinguiſh between their own Good and Evil, and ſuch as are born Eunuchs, and ſuch as are accuſtomed to be intoxicated with Liquor, appear in his Kingdom: If ſuch as theſe appear, he ſhall expel them out of his City, leſt by Chance they ſet Fire to any Perſon's Houſe.

The Magiſtrate, having erected in his Kingdom ſome Buildings of Strength and Elegance, ſhall place therein, with all Dignity and Reſpect, Ten *Bramins* learned

learned in the *Beids* of the *Shaſter*, and in the *Sheertee* of the *Shaſter* (who are alſo Men ſkilled in Works of Piety, and who employ themſelves in worthy Actions, and who are Men of Compaſſion and Clemency, and of an exalted Family, and acquainted with all Buſineſs, and who know the Excellencies and the Blemiſhes of each particular Caſt) to inſpect and control the Affairs of the Kingdom, both religious and otherwiſe. If he cannot place therein Ten *Bramins*, he ſhall place there Seven Perſons, or Five, or Three, or Two; and whenever any Doubt ariſes in the Magiſtrate upon any Circumſtance, he ſhall apply for a Solution thereof to thoſe *Bramins*, who, coinciding in Sentiments, ſhall give him an Anſwer, conformably to the *Shaſter*; according to which, the Magiſtrate ſhall take his Meaſures. If any Concern of the *Reyots* ſhould ariſe, they ſhall requeſt an Ordination from the *Bramins*; and whatever the *Bramins* order from the Inſpection of the *Shaſter*, to that the *Reyots* ſhall pay Obedience.

The *Pundit Bramins*, who are in the Magiſtrate's Kingdom, ſhall perform the *Nut-kerm*, the *Neemtuk-kerm*, the *Sàntee-kerm*, and the *Pooſhtee-kerm*, and ſuch other Works which are neceſſary and proper, according to the *Shaſter*, for the Advantage of the Magiſtrate, and of the Subject.

*Nut-kerm* is the daily Performance of the Worſhip to *Dewtàh*, and of the *Jugg*, and ſuch other Works of Piety.

*Neemtuk-kerm* is the Performance of certain religious Acts, and of the *Dàn*, and of the *Seràdeh* (or Feſtivals of the Dead) and ſuch other Works, during the Time of the Eclipſes of the Sun and Moon.

*Sàntee-kerm* is the Performance of Worſhip to the *Dewtàh*, during the Time of a calamitous Seaſon, or in a dry Year, or a Year of Famine, or when

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any Peſtilence happens in the Kingdom, for the Adverſation of ſuch Misfortunes.

*Pooſhtee-kerm* is the Performance of Worſhip to the *Dewtàh*, and of the *Jugg*, for the ſtrengthening of the Body, and for Increaſe of Wealth.

THE *Chehteree*, the *Bice*, and the *Sooder*, ſhall be obedient to the *Bramins*; and whatever Order the *Bramins* ſhall iſſue, conformably to the *Shaſter*, the Magiſtrate ſhall take his Meaſures accordingly.

THE Magiſtrate, with all poſſible Circumſpection, ſhall nouriſh the Four *Iſrum*; an Account of the Four *Iſrum* will be given in the Chapter of *Juſtice*. Whoever hath forſaken the Principles of his own Caſt, the Magiſtrate ſhall cauſe him to return to the Duties of that Caſt; if he will not return, he ſhall oblige him by Menaces.

IN whatever Magiſtrate's Kingdom the *Bramins* are unable to procure Food and Cloaths, that Kingdom becomes deſolate; in ſuch Caſe, the Magiſtrate ſhall moſt certainly appoint them Subſiſtence and Cloathing.

WHOMSOEVER the Magiſtrate ſhall retain as a Servant, he ſhall appoint him a Stipend proportionably to his Occupation, that he may not be reduced to Neceſſity and Diſtreſs.

THE Magiſtrate ſhall keep the High-Road open and plain, that Men and Cattle may have ſufficient Room to paſs and repaſs; and ſhall place in ſome retired Situation his Store-Houſes, and Elephant Stalls, and Armories, and Stables, and Barracks for the Soldiers.

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The Magiſtrate ſhall keep many intelligent Phyſicians, and Magicians (or Men who cure by Spells) and Surgeons, *i. e.* Men ſkilled in Operations of Surgery, and in applying Plaiſters; and he ſhall keep great Quantities of Medicines, and of Oils of all Kinds in the Phyſick Shop; and ſhall retain in his Service a great Number of Buffoons, or Paraſites, and Jeſters, and Dancers, and Athleticks; and he ſhall render all his Servants, both Counſellors and other tendants, contented and grateful.

If the Magiſtrate cannot puniſh Robbers and Night Murderers, and is unable, by apprehending the Thief, to reſtore Effects ſtolen from any Perſon, then he ſhall give to that Perſon, from his own Store-Houſes, the Value of the Thing ſo ſtolen.

Such Things as are not proper for him to take, he ſhall not take on any Pretence; and of ſuch Things as are right and proper for him to take, even although they are exceedingly minute, he ſhall not forego his Claim: And he ſhall eſteem the Subjects in the Light of his own Children. And if any Calamity ſhould happen to the Magiſtrate, yet he muſt not be terrified, nor remain afflicted, even during the Calamity. Alſo he muſt be eaſy and tranquil; but muſt not take any Diverſions.

The Magiſtrate ſhall not be impatient and angry at hearing any Subject's Complaints; and if any Perſon, not having gained his Cauſe, ſpeaks abuſively to the Magiſtrate, even then he ſhall not be enraged againſt that Perſon, but ſhall forgive his Error. Upon performing the *Jugg* and *Poojeh*, and other pious Ceremonies, he ſhall give to the *Bramins* the *Duchneh*, *i. e.* the Wages for the Performance of the *Jugg* and *Poojeh*, and ſhall not require ought from any Perſon.

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The Magiſtrate ſhall take all prudential Meaſures in his own Kingdom, that no Perſon commit Adultery with another Perſon's Wife, and that no Perſon have Power to commit any Violence to another. And every Magiſtrate who cauſes the guilty to be puniſhed is commendable.

The Magiſtrate ſhall collect from the People the neceſſary Tribute; and ſhall never commit Injuſtice; and ſhall liſten upon all Affairs to ſuch Men as are poſſeſſed of an acute Judgment, and who are very expert in all Affairs.

If a Plunderer ſhould attack the Magiſtrate's Kingdom, and grievouſly moleſt the People, the Magiſtrate ſhall moſt ſurely puniſh him; if he does not, he is unworthy of the Magiſtracy. And a Magiſtrate, who, without protecting and taking care of the Subjects, collects the accuſtomed Tribute from them, will go to Hell.

The Magiſtrate ſhall keep ſuch a guard upon himſelf, that his Foibles may never be diſcovered; and, by ſending *Hircarrahs* and Spies, he ſhall inform himſelf of the Faults of others.

If a *Burrut*, *i. e.* a Religious Foundation, hath been appointed to any *Bramin*, or other Perſon, being a ſtipulated Sum for the Performance of *Poojeh* to the *Dewtàh*, the Magiſtrate has no Power to reſume the Donation. Whoever reſumes the eſtabliſhed *Burrut* of a *Bramin* and the *Dewtàh*, or of any other Perſon, will remain in Hell One Thouſand Years.

In a Kingdom, where Men of Rank eat in the Houſes of Proſtitutes, or have carnal Connexion with Proſtitutes, or practiſe the drinking of Wine, ſuch Kingdom becomes deſolate; therefore it is the Duty of the Magiſtrate to appoint Perſons to prohibit ſuch Practices.

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If a Magiſtrate, not diſtinguiſhing between good and bad Men, takes Fines, in contradiction to the *Shaſter*, his Kingdom becomes deſolate.

If a Thief, or any other Perſon within the Obſervation of the Magiſtrate, and of the Magiſtrate's Counſellors, ſhould cauſe any Moleſtation to the People, and the Magiſtrate and his Counſellors ſhould not puniſh the Offender, ſuch Magiſtrate and Counſellors, during their Life-time, are like dead Perſons.

The Magiſtrate, at what Time he is deſirous to conſult with his Counſellors, ſhall chooſe a retired Place, on the Top of the Houſe, or on the Top of a Mountain, or in the Deſart, or ſome ſuch ſecret Receſs, and ſhall hold his Council there; and in Places where there are Parrots, or other talkative Birds, he ſhall not hold his Council while they are preſent.

The Magiſtrate ſhall not take Counſel of a weak old Man, or of a Woman, or of a Perſon unacquainted with Works of Piety. If any Perſon, excluſive of the Magiſtrate's Counſellors, is acquainted with the Deſigns of the Magiſtrate, his Magiſtracy is not of a long Duration.

# TRANSLATION

OF A

# POOTEE, OR COMPILATION,

OF THE

# ORDINATIONS

OF THE

# *PUNDITS.*

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## CHAP. I.

### *Of Lending and Borrowing.*

MEN are permitted to lend Money, but they ſhould not lend to Women, Children, or Servants; and whenever they lend, it ſhall be upon the Credit of a Pledge, a Security, a Bond, or Witneſſes, whichever of the Four is moſt to their Satisfaction, and not otherwiſe; the Pledge and Security are to anſwer the Payment of the Debt, the Bond and Witneſſes to prove its Validity.

SECT.

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## SECT. I.

### *Of Intereſt.*

If a Loan be granted upon a Pledge to a Man of the *Bramin* Caſt, the Monthly Intereſt ſhall be One Part in Eighty upon the Principal; at this Rate, if the Principal be Eighty Rupees, the Intereſt ſhall be One Rupee *per* Month.

If a Loan be granted upon Security to a *Bramin*, Firſt, One Part in Eighty upon the Principal is allowed, that is to ſay, One Rupee, and alſo One Eighth of One Eightieth of the Principal, which upon Eighty Rupees amounts to Two Annas; theſe Two Sums are to be added together for the Monthly Intereſt, ſo that, upon a Principal Debt of Eighty Rupees, the whole Intereſt at this Rate is Two Rupees Two Annas *per* Month.

If a Loan be granted to a *Bramin* without Pledge or Security, the Monthly Intereſt ſhall be Two *per Cent.*

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If a Loan be granted to a Man of the *Chehteree* Caſt, in that Caſe, where a *Bramin* pays Intereſt One Rupee, the *Chehteree* ſhall pay One Rupee Eight Annas; where the *Bramin* is charged One Rupee Two Annas, his Intereſt ſhall be One Rupee Eleven Annas; and in the place of Two Rupees, the *Chehteree* ſhall give Three.

If a Loan be granted to a Man of the *Bice* Caſt, he ſhall be charged double the Intereſt of a *Bramin.*

If a Loan be granted to a Man of the *Sooder* Caſt, in that Caſe, where the *Bramin* pays Intereſt One Rupee, the *Sooder* ſhall pay Two Rupees Eight Annas; in the place of One Rupee Two Annas, he ſhall give Two Rupees Thirteen Annas; and inſtead of Two Rupees, he ſhall be charged Five.

It is allowed the Tribe of *Bice* to charge Intereſt, at the Rates herein already ſpecified, in Times either of publick Calamity, or of publick Proſperity.

Also it is allowed the *Bramin*, the *Chehteree*, and the *Sooder*, in Times of Calamity, to demand the above Intereſt.

But in Times of Proſperity, it is criminal in the *Bramin*, the *Chehteree*, and the *Sooder*, to charge Intereſt at theſe Rates.

## *Explanation of the various Denominations of Intereſt, which are of Six Sorts.*

The Firſt is *Kau-ee kau*, ſo called, when Money is lent upon a ſtipulated Intereſt, with Agreement to be paid yearly.

The Second is *Kau-lee-kau*, ſo called, when, according to the Rate of the Agreement, Intereſt is to be paid monthly.

The Third is *Chickerberdehee*, ſo called, when, upon a Debtor's Inability to pay the Intereſt upon his original Debt, the Principal and Arrears of Intereſt are added together, and Intereſt commences upon the aggregate Sum.

The Fourth is *Cortee-au*, ſo called, when, in Times of Calamity, the Borrower voluntarily agrees to advance the Rate of Intereſt, which he muſt pay accordingly.

The Fifth is *Seekhauberdehee*, ſo called, when, according to the Rate of the Agreement, Intereſt is to be paid daily.

The Sixth is *Bhook Làbheh*, ſo called, when a Creditor receives a Profit upon any Thing delivered over to him as a Pledge; as for Inſtance, when a Man pledges with another any domeſtick Animals, as Kine, Buffaloes, Goats, Horſes, Camels, Elephants, *&c.* or Fruit Trees, as Mango Trees, Jacks, Cocoa Trees, Beetle, *&c.* or Houſes, or tilled Land, or Womens Ornaments, or Pots, or Cloaths, or Mats, Carpets, *&c.* if they be applied to Uſe, and it be agreed, between thoſe Two, that the Produce, or Uſufruct of the Pledge, ſhall appertain to the Creditors, in lieu of Intereſt.

In Times of publick Calamity, either of the Four Tribes of *Bramin*, *Chehteree*, *Sooder*, or *Bice*, may receive Intereſt, at the Rate of One Part in Eighty, being One Rupee (as hath already been herein explained in a ſeparate Article) by either of the Three Modes of *Kau-ee-kau*, *Kau-lee-kau*, and *Chickerberdehee*.

Either

Either in profperous or calamitous Times, it is criminal for either of thefe Four Cafts, except only the *Bice*, to exact Intereft, by either of the Three Methods of *Cortee-au*, *Seekhauberdehee*, or *Bhook Làbheh.*

It is lawful for the Tribe of *Bice* to receive Intereft by either of the Three Modes of *Cortee-au*, *Seekhauberdehee*, and *Bhook Làbheh*, in Times of Calamity, but in a profperous Seafon criminal.

If a Creditor hath received no Intereft upon his Money for Fifty Months, and if ftill a longer Time fhould elapfe, yet the Arrears of Intereft fhall rife no higher than to double the Principal; and the Four Modes of *Cortee-au*, *Kau-ee-kau*, *Kau-lee-kau*, and *Chickerberdehee*, may be applied to collect the Intereft upon this double Principal.

If Intereft, by the Two Modes of *Seekhauberdehee* and *Bhook Làbheh*, hath been paid for a very confiderable Time, yet there fhall be no Releafe from it, until the Principal Debt be difcharged.

Neither of the Three Tribes, *Bramin*, *Chehteree*, or *Sooder*, but only the *Bice*, fhall receive Intereft by thefe Six Methods in Times of Profperity.

There is a Tribe, denominated *Burrun Sunker*, compofed of fuch whofe Father and Mother, being of Two different Tribes, have begotten Children; if a Man of this Caft fhould borrow Money, he fhall pay One Part in Sixteen upon the Principal; at this Rate, the Intereft upon One Rupee is One Anna.

If a Creditor, by violent Means, caufes his Debtor to agree to an increafed Rate of Intereft, the Agreement fhall not be valid.

If a Man borrows Money without a Pledge given, the Son of his Grandſon ſhall not pay the Debt.

If a Man borrows Money upon a depoſited Pledge, the Son of his Grandſon muſt diſcharge the Debt.

If a Man borrows Money without ſtipulated Intereſt, and upon the Demand of his Creditor goes abroad, without ſufficient Reaſon, and a Call of Buſineſs, or lurks ſecretly in his own Houſe, fraudulently contriving Means to delay and to refuſe Payment, in that Caſe, after Three Months, Intereſt upon the Debt ſhall commence from the Beginning of the Fourth Month; but if the Debtor goes abroad upon real and neceſſary Occaſions, he ſhall pay Intereſt, after the Expiration of One Year.

If a Man borrows Jewels, Pearls, Coral, Silver, Gold, Cotton, or Cloaths made of Silk or of Goats Hair, and any conſiderable Time elapſe without Repayment, yet ſhall the Intereſt upon ſuch a Debt ariſe no higher than to double the Principal.

If a Man, having purchaſed Goods upon Credit, fraudulently goes abroad without Payment, or conceals himſelf in his own Houſe, and, by prevaricating Excuſes and Delays, continues to with-hold the Purchaſe-Money, in that Caſe, after Six Months are elapſed, Intereſt ſhall be accounted due from the Beginning of the Seventh; if the Purchaſer is called abroad by his neceſſary Buſineſs, he ſhall pay Intereſt, after the Expiration of One Year.

If a Man hath committed ought to the Charge of another, who, on Application for the Return of the Truſt, fraudulently abſconds on a Journey, or if he leaves not his own Houſe, but by Excuſes and Prevarications detains the Charge

Charge in his own Poffeffion, in that Cafe, if Six Months elapfe from the Time of fuch Application, he fhall be charged Intereft from the Beginning of the Seventh.

Suppose a Man to borrow a Quantity of the Grain, called *Shâllee* (or *Paddee*) upon this Agreement, that, at the Time of the *Paddee* Harveft, he will make an equitable and equivalent Return, in that Cafe, if, at the Time of Payment, Grain be fomething cheaper than when it was borrowed, he fhall pay double the Quantity; if it be much fallen in Price, he fhall pay Three Times as much; if it be ftill cheaper, Four-fold; and if its Value be exceedingly reduced, he fhall return Five Times the Quantity lent him, and this Fifth Increafe he fhall never be obliged to exceed; if the Price, at the Time of Repayment be rifen, with refpect to the Time of borrowing, the *Bramin* fhall pay for Intereft Two in One Hundred Parts, the *Chehteree* Three in One Hundred Parts, the *Bice* double of the *Bramin*, and the *Sooder* Five Parts in One Hundred.

If a Man borrows Cocoa-Nut Oil, or any fpirituous Liquors, or *Ghee*, and returns it not in Fifty Months, he fhall then repay Eight Times the original Quantity.

If a Man borrows Milk, Woollen Cloth, Perpets, *Shawls*, or Tapeftry, and Carpets made of any Hair but that of Sheep, and returns it not in Fifty Months, he fhall then repay Five Times the original Quantity.

If any Man borrows any Kind of Cloths (but thofe made of Silk) Iron, Copper, Talc, Brafs, White Copper, Pewter, Tin, and Metals of this Kind, except Gold and Silver, and returns them not in Fifty Months, he fhall then repay Three Times as much.

If a Man borrows any Kind of Grain, except *Paddee*, as Wheat, Small *Gràm*, Barley, and ſuch Kinds of Grain, or Lentils, *Gràm*, Muſtard Seed, or *Kunjud*, and ſuch other Produce of Tillage, and returns it not in Fifty Months, he ſhall repay it Four-fold.

If a Man borrows Green Herbs, ſuch as Cabbage, Lettuce, *&c.* and repays them not in Fifty Months, he ſhall repay them Five-fold.

If a Man borrows Sugar Canes, and returns them not in Fifty Months, he ſhall then repay Six Times the Quantity.

If a Man borrows the Juice of the Sugar Cane, the better Sorts of Flowers, or of Fruits, Ginger, Radiſhes, Potatoes, or Yam, or any other of thoſe Herbs whoſe Root is in common Uſe, whatever Quantity he borrowed, he ſhall return Three Times as much.

If dried Graſs, Fuel Wood, Bricks, or Leaves, or Things made of Leather, or Bone, or Scimitars, Spears, Daggers, Muſkets, and this Kind of warlike Inſtruments, or dried Flowers, or Fruits of the worſt Species, be borrowed, and not repaid in Fifty Months, yet no Intereſt is to be given on them; but if it be originally ſtipulated, it ſhall be paid.

If a Man ſells Goods without receiving immediate Payment, and, upon Demand made for the Money, the Purchaſer puts him off with frivilous Delays, either ſtaying at his own Houſe, or going abroad, without ſufficient Reaſon, Intereſt ſhall commence upon the Debt from the Beginning of the Fourth Month.

If

If a hired Servant hath been a long Time without receiving his Wages, yet he ſhall not demand Intereſt upon them, unleſs it be originally ſo ſtipulated.

If a Man hath agreed to pay another a certain Fine on any Account, and a long Time elapſe without Payment, he ſhall not give Intereſt, unleſs it be Part of the original Agreement.

If a Man hath preſented another with any Thing in the way of Friendſhip, which Preſent the Accepter neither takes to his own Houſe at the Time it is given, nor doth the Donor ſend it to him, yet ſhall no Intereſt be paid upon the Gift thus with-held, unleſs by a prior Agreement.

If a Man hath given another any Thing by way of Recompenſe, which, after being accepted by the Perſon to whom it is offered, is yet detained at the Donor's Houſe, and not delivered on Demand, Intereſt ſhall be paid upon its Value.

If a Man, in a friendly Manner, hath applied to his own Uſe any Thing of the ſeparate Property of his Wife, on returning it, he ſhall give an Intereſt, together with the Principal; and if a Man, by forcible Means, hath taken ought belonging to his Wife, and doth not pay her both Principal and Intereſt, the Magiſtrate of the Time ſhall oblige him to pay Intereſt and Principal, and ſhall alſo fine him.

If a Man hath expended, on friendly Terms, any of his Wife's Property, and dies before he makes it good, his Son ſhall pay the Principal ſo borrowed, but without Intereſt.

If a Man offers to difcharge a Debt, and the Creditor will not accept Payment, he fhall not pay Intereft upon the Debt, after fuch an Offer, unlefs it be previoufly ftipulated.

If a Man, who has agreed to difburfe a certain Sum for the Expences of a Marriage, or a Marriage Portion, pays it not for a confiderable Time, he fhall not pay Intereft upon that Sum, unlefs according to previous Agreement.

If a Man hath depofited a Pledge, and the Creditor poffeffing fuch Pledge applies it to his own Ufes, or breaks it, or it be ftolen from his Houfe, in that Cafe, he fhall not pay Intereft upon it, unlefs by Agreement.

If a Man depofits a Pledge with another, and no Agreement be made that the Creditor fhall make ufe of the Pledge, in that Cafe, fuppofing the Pledgee to apply to Ufe the Goods fo pledged, he fhall pay half Intereft, according to the Rates herein already fpecified.

If a Pledge, depofited in a Creditor's Hands, be fpoiled, loft, or broken by an unforefeen Accident, in that Cafe, the Creditor fhall ftill recover both Principal and Intereft of his Debt; but the Debtor fhall not receive the Value of his Pledge.

A Man may lend Money to another of the fame Tribe, to his Relations, or particular Friends, upon a Pledge only, but from all others, he fhould demand a Bond and Security.

If a Man lends Gold to another, he fhall appoint a fixed Day of Payment to his own Satisfaction; if he cannot fix a Day to his Mind, he may omit it.

If a Man borrows *Paddee*, Wheat, Barley, *Gràm*, Small *Gràm*, Lentils, or *Doll*, or Muſtard-Seed of the Species of Grain and Pulſe, or Salt of whatever Sort it may be, or Honey, Sugar, Sugar-Candy of the Species of Sweets, or round Pepper, or *Peepul*, dried Ginger, *Kureelah*, or *Inderjò* of the Species of Warm Bitters, or Tamarinds, or ſour l lumbs, or Lemons of the Species of Acids, or *Hurreh*, *Beheerreh*, and *Oulàh* of the Species of *Affus*, he ſhall ſurely fix a Day of Payment.

When ſeveral Men are Creditors to the ſame Debtor, they ſhall make a a Sort of Common Stock of their Debts, and receive their reſpective Shares of each Payment; if any Creditor refuſes to accede to this Agreement, he ſhall loſe his Share of the Intereſt.

If a Man hath ſold Rice or Wheat for ſowing of the Species of Grain, or Muſtard Seed, or *Kunjud* of the Species of Seed, or the Seeds of Cotton, or *Kureelah*, or Pumpkin of the Species of *Terkarree*, or the Seed of the Water Melon, or Cucumber of this Species, and they do not ſpring up from the Ground, but the Spot ſhould become waſte, the Vender of the Seed ſhall make good the Crop.

## S E C T. II.

### *Of Pledges.*

If a Man, with whom a Pledge is depoſited, ſhould apply to his own Uſe the Things ſo pledged, and by that Means ſpoil it, he ſhall pay the Value of it to the Depoſitor, or procure another of the ſame Kind.

If a Man, who hath pledged ought to another for a Debt, offers to pay the Money, and demands his Pledge, which the Creditor fraudulently with-holds, in that Cafe, the Magiftrate fhall exact a Fine from the Creditor, caufe the Pledge to be reftored to the right Owner, and the Debt to be forthwith difcharged.

If a Perfon mortgages to another fuch a Quantity of Land as will ferve for the Subfiftence of One Man, for One Year, and afterwards mortgages the fame Land to a Second Mortgagee, he fhall be punifhed with Death; or if his Life be fpared, he fhall be fined One Hundred *Afhrufees*; and if the Criminal be a *Bramin* (which Tribe is exempt from capital Punifhment) he fhall ftill pay the Fine of One Hundred *Afhrufees*.

If a Man mortgages a Quantity of Land lefs than will fuffice to maintain a Man One Year, and afterwards engages the fame Ground to a Second Mortgagee, the Magiftrate fhall fine him Sixteen *Afhrufees*.

If a Man hath depofited a Pledge with another, and fuffers it to lie a confiderable Time unredeemed, yet the Creditor fhall not apply the Depofit to his own Ufe, or fell it, or fpoil it, or pledge it as his own to another Perfon; if he acts in contradiction to this, he fhall be obliged to make good the Pledge.

If a Man, having pledged any Thing to one Perfon, fraudulently contrives to engage the fame Article as a Pledge to a Second, the Firft Engagement fhall be confidered valid, and not the Second; but yet the Second Creditor fhall receive both Principal and Intereft of his Money; and he who thus tranfgreffes the Laws of Juftice fhall be punifhed as a Robber.

If a Man pledges the ſame Article with Two Perſons, and it be not known which Tranſaction was prior in Date, then, whichever of the Creditors, without Moleſtation of the other Pledgee, attaches the Pledge, it ſhall be accounted valid, with reſpect to him; if a Diſpute ariſes, the Two Creditors ſhall have equal Shares in the Depoſite.

If any Tranſaction between Two People paſs before Witneſſes only, and a Third Perſon produces a written Inſtrument of the ſame Tranſaction, atteſted alſo by Witneſſes, the Writing thus witneſſed ſhall be accounted valid.

If a Man pledges ought to another without a written Agreement, and afterwards depoſites the ſame Pledge with a Second Perſon, adding a regular written Inſtrument, to teſtify the Validity of this Second Pledge, in that Caſe, the Second Engagement ſhall ſtand good, and the Borrower ſhall return back the Money lent him by the Firſt Creditor.

If a Man mortgages to another a certain Quantity of Land, and the Mortgagee, by forcible Means, appropriates to his own Uſe a larger Space of Ground than is ſpecified in the Agreement, in that Caſe, the Magiſtrate, without cauſing the Debt to be diſcharged, ſhall reſtore the mortgaged Ground to the right Owner, and hold the Mortgagee criminal.

## SECT. III.

### *Of Security.*

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### *There are Four Sorts of Security.*

*First,* WHEN a Man, desirous to borrow Money, is refused, by the Person whom he addresses, from a Want of Confidence in his Ability to repay it, if in the mean Time a Third Person should advise the refusing Party to lend the Money, and should promise, that, if the Debtor absconds upon the Day of Payment, he will cause him to appear, he, who by such Advice causes the Money to be lent, engages himself in a Kind of Security; and if he cannot produce the Borrower, when Payment becomes due, he must discharge the Debt, both Principal and Interest: If he dies, his Son shall not make good the Loan.

*Secondly,* WHEN a Man, who is requested to lend Money, doubts the Character of the Borrower, and enquires it of a Third Person, if this Man should answer to the others Character, and affirm, that to his own Knowledge he is worthy to be trusted, by thus inclining the Party to lend the Money, he is to be considered as a Kind of Security; and whoever, by giving a good Character to a bad Man, enables him to borrow Money, and this Circumstance can be proved, the Recommender shall be obliged to make good both Principal and Interest of the Debt; but if he dies, his Son is not answerable for the Money.

*Thirdly,* WHEN a Man, desirous to borrow Money, is refused, because the Person of whom he requests it has no Opinion of his Credit, if a Third Man should say, "Lend

" Lend him what he defires, and I will be anfwerable for it," this alfo is a Kind of Security; and if the Borrower refufes Payment, the Security muft difcharge both Principal and Intereft of the Debt; alfo if he dies, his Son fhall make good the Principal.

*Fourthly*, When a Man, defirous to borrow any Thing for a Time, promifing to return it as foon as the Bufinefs for which it is wanted fhall be finifhed, is refufed the Ufe of it, if another Perfon fhould advife the Poffeffor of the Thing required to lend it, and fhould promife, that he will take care to fee it returned, this alfo is a Mode of Security; and if the Borrower returns not the Article lent him, the Security fhall make it good, with Intereft upon its Value: Alfo if he dies, his Son fhall be anfwerable for the Principal.

If a Debtor, on the Day agreed for difcharging of his Debt, fhould be unable to appear, either from fome natural or publick Calamity, or from a neceffary Attendance on a Court of Juftice, it is not to be accounted a Fault in the Man who became Security for him; but when the Debtor's Caufe of Delay is removed, the Security muft then procure his Appearance, or, upon Failure, muft himfelf be anfwerable for the Caufe in Difpute.

If a Man dies, who, having depofited a Pledge, is become perfonal Security for another, his Son fhall difcharge the Principal of the Debt.

If a Man who is Security for another fhould die, his Grandfon and Great-Grandfon are not anfwerable.

If feveral Men become Securities for a Debtor who fails to difcharge his Debts, all the Securities fhall pay the Money in equal Shares.

If, at the Time of lending Money, the Lender ſhould ſay to the Securities, " Here are ſeveral of you engaged, but I expect, that any One of you, whom I may happen to find when Payment becomes due, ſhall diſcharge the Debt," if alſo the Securities aſſent to this Stipulation, then, ſhould the Borrower fail in his Engagements, the Creditor ſhall exact Payment of any One of the Securities whom he can firſt find, according to Agreement.

If a Debtor ſhould be abſent, and the Security is deſirous to bring him to Appearance, the Creditor ſhall ſettle with the Security a reaſonable Time for his Departure and Return, and ſhall permit him to go in queſt of the Debtor.

If a Security has not abſolutely the Means to pay a Sum for which he bound himſelf, and the Creditor commences a Suit againſt him in a Court of Juſtice, the Magiſtrate of the Time ſhall appoint him to pay the Debt, by Inſtalments, according to his Ability, and ſhall not be too harſh and ſevere upon him; neither ſhall the Creditor be permitted to treat him with unreaſonable Rigour, in the Exaction of his Claim.

If a Creditor of his own Head be extremely hard and ſevere upon a Security, whatever Money he hath by this Method extorted, after the Space of One Month and an Half, the Judge ſhall cauſe him to return double of that Sum to the Security; and if it be within the Space of One Month and an Half, whatever Sum he hath received, the Judge ſhall cauſe him to return the like Sum to the Security.

*(According to Chendeeſur.)*

If a Security, unable to anſwer the harſh and importunate Demands of a Creditor, ſhould give him ought, by way of Bribe, to ſatisfy him for the preſent,

present, and then complain to a Court of Justice, if this Complaint be after One Month and an Half, the Judge shall cause the Creditor to give double of that Bribe to the Complainant; if the Complaint be laid within the Space of One Month and an Half, the Judge shall cause the Creditor to pay him a Sum equal to the Bribe.

*(According to Gerheisur.)*

A Man, who is unable to pay his Debts, and the Fines of a Court of Justice, shall not be taken as a Security.

A Man shall not accept, as Security, a Person totally unknown to him, his own Master, an Enemy, a Prisoner, a very old Man, a Partner living in the same Family, a Friend, or a Pupil.

## S E C T. IV.

### *Of Discharging Debts to whomsoever due.*

If a Man pays his Grandfather's Debts, he shall not be charged Interest upon them.

If a Man lends Money upon a positive Stipulation to be paid on a certain Day, and the Borrower also assents to this Restriction, the Money must absolutely be repaid accordingly.

If a Man lends Money with a Stipulation to be paid upon Demand, and the Borrower consents to take it upon this Restriction, he shall accordingly pay it when demanded.

If a Man dies in Debt, his Sons ſhall contribute their reſpective Shares to diſcharge his Obligations.

If a Man dies in Debt, his Grandchildren ſhall reſpectively contribute to pay the Money.

If a Man dies in Debt, his Great-Grandchildren ſhall not pay the Money.

If a Man in Debt renounces the World, and becomes *Fakeer*, his Sons and Grandchildren ſhall diſcharge his Obligations.

A Great-Grandfather's Debts are not obligatory upon the Great-Grandſon; but if it be his own Choice, the Great-Grandſon may pay them.

If a Man in Debt leaves his own Country, after he hath been abſent Twenty Years, his Son ſhall pay his Debts; alſo a Grandſon ſhall diſcharge the Debts of his Grandfather, after Twenty Years Abſence; likewiſe, within the Space of Twenty Years, the Son and Grandſon may diſcharge the Debts of their Father and Grandfather, if they chooſe it; but the Creditor ſhall not, before the Expiration of Twenty Years, have Power to compel them.

If a Man dies, who hath depoſited, as Pledges for Money borrowed, Fruit Trees, tilled Land, Houſes, Kine, Buffaloes, Goats, Horſes, Elephants, and ſuch Kinds of uſeful Animals, or Pots, Cloaths, Mats, and ſuch Things as have been already ſpecified, to produce an Intereſt for a Debt, his Great-Grandſon ſhall diſcharge that Debt.

If a Man in Debt be abſent from Home, and there be no Expectations that he will ever return, his Son and Grandſon ſhall pay his Debts within Twenty Years.

If a Man in Debt be ſick, beyond all Hopes of Recovery, the Son, in that Caſe, ſhall pay his Father's Debts.

If a Man be blind from his Cradle, or an Idiot, or be overcome by the Infirmities of Age, or be afflicted with a Conſumptive Spitting of Blood and Phlegm, or with a Leproſy, and lives in his Son's Family, that Son ſhall diſcharge his Father's Debts; but if he lives apart from his Son, and contracts Debts, he ſhall himſelf diſcharge them; and the Son has no Connexion with them.

If a Man lends Money upon the Security of Two People, with Agreement that either of them whom he may happen to find, when Payment is due, ſhall be anſwerable for the Debt, in that Caſe, if One of the Securities ſhould die, and leave no Children, and the other Security be abſent from Home, the Son of the Abſentee ſhall pay the Money; if both the Securities die, whichever of them leaves Children, the Son ſhall pay his Father's Share of the Obligation.

Before the Diſſolution of a Partnerſhip, if One of the Parties, being in Debt, leaves his Country, or dies, in that Caſe, whichever of the Partners be found upon the Spot ſhall diſcharge the Debt.

Upon the Abſence of a Maſter of a Family from Home, whether Abroad or in his own Country, if his Servant borrows Money for the immediate Support of his Maſter's Family and Dependants, the Maſter, on his Return, muſt be anſwerable for the Debt.

If a Man dies in Debt, and his Son and Grandſon, at the Time of his Death, be very young, and incapable of managing their own Affairs, they ſhall not pay his Debts, until they arrive at Years of Diſcretion, and then they ſhall diſcharge them, according to their Ability.

A Father ſhall not be compelled to pay his Son's Debts, but if he chooſes it, from any Impulſe of paternal Affection, he is permitted; but if a Father offers to be Security to a Man who has refuſed to lend Money to the Son, in that Caſe, the Father is obliged to pay what the Son borrows.

If a Man had been deſirous to make a Preſent to another, without any ſufficient Cauſe, and dies, leaving his Intention unfulfilled, his Son ſhall not give it.

If a Man had been deſirous to make a Preſent to another, upon a proper and ſufficient Cauſe, and dies in the mean Time, the Son ſhall fulfil his Father's Intentions.

If a Man dies, having incurred Debts by Gaming, or drinking Spirituous Liquors, his Son ſhall not diſcharge them: (This Law is calculated for thoſe Perſons in whom Gaming, and the Uſe of Spirituous Liquors, is not accounted a moral Offence.)

If a Man who owed a Fine to a Court of Juſtice ſhould die, leaving Part of the Fine unpaid, his Son ſhall not pay that Part; alſo if no Part of the Fine was paid in the Man's Life-time, his Son ſhall not be anſwerable for it in any reſpect.

If a Man, by the Impulse of Luſt, had promiſed any Preſent, and ſhould die without fulfilling the Promiſe, his Son ſhall not give it.

If a Man, through the Impulſe of Enmity, had agreed to give away any Thing, and dies without fulfilling the Agreement, his Son ſhall not give it.

If a Woman, in Times of Calamity, or for the immediate Support of her Houſhold, Relations, and Servants, ſhould borrow Money, her Huſband and Son muſt diſcharge the Debt; but if ſhe contracts Debts on any other Account, her Huſband and Son ſhall not pay them.

If the Wife of a Man of the Caſt of Potters, or of Waſhers, or of Cow-Herds, or Dancers, or Hunters, contracts a Debt, her Huſband and Sons are anſwerable for it; alſo if a Man, or his Son, among thoſe Tribes, contracts Debts, the Wife muſt pay them.

If a Woman borrows Money with the Conſent of her Huſband and Son, the Huſband and Son ſhall repay it.

If a Man, at the Point of Death, deſires his Wife to diſcharge his Debts, then, if ſhe inherits her Huſband's Property and Poſſeſſions, ſhe ſhall pay them accordingly.

If a Man dies in Debt, whoever happens to be his Heir ſhall diſcharge thoſe Debts, but without Intereſt.

If a *Bramin* dies childleſs, whichever of his Kindred becomes his Heir, he ſhall diſcharge his Debts; if he has no Relations, the *Bramins* of the ſame Village where the childleſs *Bramin* reſided ſhall adminiſter to his Eſtate, and pay his

Debts;

Debts; if no other *Bramins* inhabit that Part, the Magiſtrate ſhall pay the childleſs *Bramin*'s Debts from the Amount of his Effects, and ſhall caſt the Overplus into the Water.

If a *Chehteree* dies childleſs, and hath no Relations, or Kindred, the Magiſtrate ſhall take Adminiſtration of his Effects, pay from the Amount the Debts of the Deceaſed, and keep the Overplus.

## SECT. V.

### *Of the Methods of Recovering Debts.*

If a Creditor, on the Day appointed for Payment, demands his Money of the Debtor who refuſes to diſcharge the Debt, firſt, he ſhall ſpeak to the Friends and Relations of the Debtor, and procure them to demand Payment; next, he ſhall go in Perſon, and importune for his Money, and ſtay ſome Time at the Debtor's Houſe, but without eating or drinking; if theſe Means fail, he ſhall carry the Debtor Home with him, and, having ſeated him before Men of Character and Reputation, ſhall there detain him; if even this Method ſhould not ſucceed, he ſhall endeavour, by feigned Pretences, to get hold of ſome of his Goods; or if any Pledge was depoſited with him on lending the Money, he ſhall carry the Goods ſo pledged to the Magiſtrate, who ſhall cauſe the Depoſite to be ſold, and pay the Creditor his Debt, with Intereſt, from the Amount of the Sale; if he cannot, by evaſive Means, diſtrain the Debtor's Goods, and alſo if no Pledge be in his Poſſeſſion, he ſhall then ſeize and confine the Debtor's Wife, Children, Cattle, Buffaloes, Horſes, and ſuch Kind of uſeful Animals; alſo his Pots, Cloaths, Mats, and Furniture; and, ſeating himſelf at the Debtor's Door, ſhall there receive his Money; if even theſe Methods prove unſucceſsful, he ſhall ſeize and bind the Debtor's Perſon, and procure, by forcible Means, a Diſcharge of the Debt.

If

If Men of very low Cafts, *Coolies*, and handicraft Men, owe Money, they fhall be feized, detained, and compelled to pay.

If a Man lends Money to a Magiftrate, to his own Mafter, or to a *Bramin*, he fhall not be rude or uncivil in procuring Payment.

If a Man hath lent Money to One of the fame Family, or to a Man of bad Principles, he fhall, by evafive Pretences, get hold of fome of the Debtor's Goods, and by that Means procure Payment.

If a Man of the Tribe of *Arzàl* be unable to pay his Debts, he fhall be obliged to work out Payment by daily Labour.

If a *Bramin* be unable to pay his Debts, the Magiftrate fhall appoint him to difcharge them by little and little, according to his Means.

If a Debtor and Creditor are both of the *Bramin* Caft, the One fhall not oblige the other to work out a Debt by Day Labour.

If a Man of the *Chehteree*, *Sooder*, or *Bice* Caft, is too poor to pay his Debts, the Creditor may oblige him to work out the Amount, in any Bufinefs of which the Debtor is capable; that is to fay, the higher Caft may exact this Method of Payment from One inferior to itfelf, and Cafts of equal Rank may thus mutually treat each other; but a low Caft cannot force the fuperior to compound Debts by Labour, but fhall be paid by Inftalments, on a Debtor's Inability to difcharge the whole Debt at once.

If a Creditor, without previous Demand, feizes his Debtor by Force, and obliges him to work at a Bufinefs of which he is not capable, the Magiftrate fhall fine the Creditor, and difmifs the Debtor with the Debt unpaid.

If a Man difcharges not a Debt in Fifty Months from the Time of borrowing, fo that the Intereft of *Chickerberdehee* takes place (an Explanation of which hath been already given above) he fhall fettle the Mode to his own Satisfaction, and pay the Creditor his Money.

If a Man, who hath long fince depofited a Pledge in anothers Hands, fhould abfcond, or die, the Creditor, in Prefence of the Debtor's Friends, fhall produce the Pledge, and afcertain its Value; after that, he fhall keep it by him Ten Days; and, if within that Space the Debtor's next Heir does not come in, and fatisfy his Claim, he fhall fell the Article pledged, and take his own Money, with Intereft, from the Amount; if there be any Remainder, the Creditor is not to keep it.

If a Man acknowledges himfelf indebted to another, and yet refufes to pay, the Creditor fhall ufe the Means above fpecified to recover his Money, without Hinderance or Moleftation from the Magiftrate; if the Debtor fhould lodge a Complaint, the Judge fhall fine him, and caufe the Creditor to be paid.

If a Man, owing another any Money, fhould flatly deny the Debt, when Payment is demanded, the Creditor fhall not have Power to take him into his own Cuftody, but fhall caufe him to appear before a Magiftrate, and there, upon indifputable Proof of the Debt, fhall receive his Claim; but if the Creditor be defirous to attach and confine his Debtor, without Knowledge of the Judge, in this Cafe, he fhall be fined.

If a Man hath lent fome *Afhrufies*, and the Borrower acknowledges to have received fome Rupees, but a lefs Sum than the Creditor pretends, alfo if the Lender demands Intereft upon his Loan, and the Borrower afferts, to have difcharged the Intereft already, or if the Creditor affirms to have lent the

the Money upon mere good Faith, and the Debtor ſays, that he depoſited a Pledge for the Loan, upon a Diſpute of this Kind, the Creditor ſhall by no Means arreſt the Debtor's Body, without Knowledge of the Magiſtrate; ſhould he offend this Law he ſhall be fined.

If a very rich Man, of weak Underſtanding, and of a very mean Tribe, from a Principle of Fraud and Obſtinacy, refuſes to pay his Debts, the Magiſtrate ſhall oblige him to diſcharge the Money claimed, and fine him double the Sum.

If a Man owes Money to ſeveral Creditors, he ſhall firſt diſcharge that Debt which was firſt contracted, and ſo in Order.

If a very rich Man, of an excellent Education, and of a ſuperior Caſt, from a Principle of Fraud and Obſtinacy, refuſes to pay his Debts, and the Creditor commences a Suit againſt him, the Magiſtrate ſhall cauſe the Money in Diſpute to be paid, and ſhall fine the Debtor One Twentieth of the Sum recovered.

If a Debtor and Creditor are of equal Caſts, and, on the Debtor's Refuſal to pay his Debts, the Creditor ſhould commence a Suit, the Magiſtrate ſhall cauſe the Money in Diſpute to be paid, and ſhall alſo fine the Debtor One Tenth of the Sum recovered.

If a Man hath borrowed Money of ſeveral People in One Day, and the regular Order of borrowing cannot be aſcertained, the Creditors ſhall all be paid in equal Shares.

When a Creditor procures Payment of his Money by Application to a Magiſtrate, he ſhall give him One Twentieth of the Sum recovered for his Interpoſition.

When a Debtor difcharges his Debts by Inftalments, he fhall duly note upon the Back of the Bond the refpective Sums fo paid off; the Creditor alfo fhall give a feparate Receipt for each Payment: If the Debtor omits this Precaution, and the Creditor alfo has not given a Receipt for any particular Payment, the Sums fo omitted fhall not enter into the Account.

CHAP.

# C H A P. II.

## *Of the Division of Inheritable Property.*

When a Father, a Grandfather,* a Great-Grandfather, and any Relations of this Nature deceafe, or lofe their Caft, or renounce the World, or are defirous to give up their Property, their Sons, Grandfons, Great-Grandfons, and other natural Heirs, may divide and affume their Glebe Land, Orchards, Jewels, Coral, Cloaths, Furniture, Cattle, and Birds, and all the Eftate, real and perfonal, of which the Perfons thus circumftanced ftand poffeffed; fuch Property is called *Dàie*, meaning Property capable of being thus left and inherited.





* A Grandfather, in this Tranflation, always means a Father's Father; a Grandfon always means a Son's Son; and all the Terms of Affinity, when they occur, without any Reftriction, are to be applied to the Male Line of Kindred; when the Female Line intervenes, it is particularly fpecified in the Expreffion.

SECT.

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* Partnerfhip is of Two Sorts in the *Eaft*:—Firft, *Sherakut-i-braderee*; Second, *Sherakut-i-tejarutee*. The Firft is a Partnerfhip by Affinity, where all the Brothers or Members of a Family live together, have a Joint Stock, and are Coheirs in all Inheritance left to the Family; this is the Partnerfhip conftantly alluded to in this Chapter.—Of the Second Sort, or Partnerfhip in Trade, Nothing need be faid.

## SECT. I.

### *Of Inheritance from a Father, a Grandfather, a Great-Grandfather, and ſuch Kind of Relations.*

If a Man dies, or renounces the World, or for any Offence is expelled from his Tribe, his Relations, and Kindred, or is deſirous to give up his Property, all his Poſſeſſions, be they Land, or Money, or Effects, or Cattle, or Birds, go to his Son; if there be ſeveral Sons, they all ſhall receive equal Shares.

If the Son be dead, it goes to the Grandſon; if there be but One Grandſon, he ſhall obtain the whole; if there be ſeveral Grandſons, they ſhall divide it, and all ſhall receive equal Shares.

If there is no Grandſon, it goes to the Grandſon's Son; if there be but One Grandſon's Son, he ſhall obtain the whole; if there be ſeveral Sons of the Grandſon, they ſhall all receive equal Shares of it.

If from ſuch a Man as above-mentioned there ſhould have ſprung Two, Three or more Sons, and One of them ſhould die, leaving behind him One or more Sons, the Son, thus left, ſhall receive his Father's Share from his Uncles, in equal Proportion with them; if the Uncles be dead, he ſhall receive his Father's Share from his Uncle's Son.

If a Man's Father and Grandfather be dead, he ſhall receive his Grandfather's Share from his Grandfather's Brothers, in equal Proportion with them; if there be no Brother of his Grandfather alive, he ſhall receive it from that Brother's Son.

If

If a Man has neither Son, Grandſon, nor Grandſon's Son, all his Property goes to his adopted Son; if there be no adopted Son, it goes to the adopted Son's Son; if there be no adopted Son's Son, it goes to the adopted Son's Grandſon.

If there be no adopted Son's Grandſon, then, if the Property has already been divided among the Heirs, it goes to the Wife; if it has not been divided, it goes to the Brother; but the Wife ſhall receive Food and Cloaths.

This Ordination is according to the *Pundits* of *Meet-hul*; but *Sewàrteh Behtàchàrige*, *Jeimoot Bàhun*, and *Sirree Kiſhen Terkàlungkàr*, and others, ſpeak to this Effect, *viz.* That if there be no Son, nor Grandſon, nor Grandſon's Son, then the Huſband's Share of the Property, whether it has or has not been divided among the Heirs, ſhall go to his Wife; if he had ſeveral Wives, they all ſhall receive equal Shares; if there is but One Wife, ſhe ſhall receive the whole.

This is a good Ordination, and is approved: If the Wife is not unchaſte, and remains in her Huſband's Houſe, then ſhe ſhall obtain her Huſband's Effects; if ſhe be unchaſte, and continues not in her Huſband's Houſe, or if ſhe continues in her Huſband's Houſe, though unchaſte, then ſhe ſhall not obtain her Huſband's Effects.

A Woman may give to the *Bramins* any Part of the Effects which ſhe inherited from her Huſband, to promote his future Happineſs; if ſhe gives the whole, the Gift is approved; but ſhe is blameable: She may alſo ſell or mortgage it, to procure herſelf the immediate Neceſſaries of Life.

If

If there be no Wife, the Property goes to the unmarried Daughter; if there is but One unmarried Daughter, ſhe ſhall obtain the whole; if there are ſeveral unmarried Daughters, they all ſhall receive equal Shares.

If an unmarried Daughter, who has inherited her Father's Effects, ſhould afterwards marry and die, leaving a Son, that Son ſhall obtain the whole Property: If ſhe ſhould die, leaving a Daughter, that Daughter ſhall not receive any Thing.

If ſhe dies without having borne a Child, that Property does not go to her Huſband, but in equal Shares to her Siſters who have Children, or are capable of Child-bearing: (Women are to be conſidered as capable of Child-bearing, till their monthly Courſes entirely ceaſe; when thoſe Courſes are finally cloſed, it is certain, that Women ſhall bear no more Children; and a Siſter in this Condition ſhall not receive any Share:) If there be but One Siſter, ſhe ſhall obtain the whole; if there are ſeveral Siſters, they all ſhall receive equal Shares.

If there is no unmarried Daughter, then equal Shares ſhall go to the Daughter who has borne Children, and to the Daughter capable of Child-bearing; if there is but One Daughter thus circumſtanced, ſhe ſhall obtain the whole, but the barren Daughter, and the Daughter who is a childleſs Widow, receive Nothing; but if there be no Perſon belonging to the Family of the Huſband of the barren Daughter, or to that of the childleſs Widow, or they ſhould be diſtreſſed for the immediate Neceſſaries of Life, in that Caſe, they ſhall receive Food and Cloaths: And when it becomes certain, that the barren Daughter can never bear Children, ſhe ſhall ſhare in an Inheritance, according to the Ordination of *Jeimoot Bâhun*, and *Sirree Kiſhen Terkâlungkâr*, and others; and this is a good Ordination, and is approved (or rather is cuſ-

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tomary in this Kingdom) but *Pàcheſhputtee Miſr* ſpeaks to this Effect, *viz.* That if there is no Daughter who has Children, or likely to have them, then Property ſhall go in equal Shares to the barren Daughter, and to the Daughter who is a childleſs Widow; if of theſe barren and widowed Daughters there be but One alive, ſhe ſhall obtain the whole; if there be more, they ſhall receive equal Shares.

If there be no Daughter, it devolves upon the Daughter's Son; if there be but One Daughter's Son, he ſhall obtain the whole; if there are ſeveral Sons of the Daughter, they ſhall all receive equal Shares: This Ordination is according to *Sewàrteh Behtàchàrige*, *Jeimoot Bàhun*, *Sirree Kiſhen Terkàlungkàr*, and *Gopaul Punchànun*, and is approved: *Gobind Ràje* ſays, " That, even during the Daughter's Life, it ſhall go the Daughter's Son."

If Daughters who have received Shares of an Inheritance ſhould die, and leave Children behind them, as One Son be left by One Daughter, and Two or more by the Second, theſe Sons ſhall divide the Property among themſelves, in equal Shares, like Brothers born of the ſame Parents.

If there be no Daughter's Son, it goes to the Father; if there be no Father, to the Mother; if there be no Mother, to the Brother born of the ſame Parents; if there be but One Brother, he ſhall obtain the whole; if there are ſeveral Brothers, they all ſhall have equal Shares.

If there be no Brother by the ſame Parents, it ſhall go to the Brother by a different Mother; if there is but One Brother, he ſhall have the whole; if there are ſeveral Brothers, they all ſhall have equal Shares.

If there be Three, Four, or more Brothers, and among them, Two are Brothers by Blood, and the reſt, Brothers by a different Mother, who have all ſeparated

parated from each other, among theſe, if the Half-Brother returns to live as a Companion, and the Brother by Blood continues ſeparate, then the Half-Brother who is the Companion, and the Brother by Blood who lives ſeparate, ſhall inherit equal Shares; if both the Brother byBlood, and the Half-Brother, after Separation, return to be Companions, Property goes to the Brother by Blood, and not to the Half-Brother; if One Brother by Blood returns, after Separation, to be a Companion, and the other Brothers by Blood continue ſeparate, then it goes to the Brother who returned to be a Companion; and thoſe who did not return ſhall not receive any Thing.

If a Parcel of Land hath not been divided among Brothers, in that Caſe, both the Brother by Blood, and the Half-Brother, who, after Separation, have all returned again to live together, ſhall receive equal Proportion of ſuch Land; alſo, if after Separation they have all continued to live ſeparate, they all ſhall receive equal Shares: And this Ordination, reſpecting the Separation and Reunion of Brothers, and their Shares in conſequence, holds good alſo with reſpect to the Deſcendants of the Brother by Blood, and the Deſcendants of the Half-Brother.

If there be no Brother, Property goes to the Son of the Brother by Blood; if there is but One Son of the Brother by Blood, he ſhall receive the whole; if there are ſeveral Sons, they all ſhall have equal Shares.

If there be no Son of the Brother byBlood, it goes to the Son of the Half-Brother; if there is but One Son of the Half-Brother, he ſhall receive the whole; if there are ſeveral Sons, they all ſhall have equal Shares.

If there be no Son of the Half-Brother, it goes to the Grandſon of the Brother by Blood, and to the Grandſon of the Half-Brother, in equal Shares; if among theſe there be but One Grandſon, whether of the Brother by Blood, or

of

of the Half-Brother, he ſhall receive the whole Eſtate; if there are ſeveral Grandſons, both of the Brother by Blood and of the Half-Brother, they ſhall receive equal Shares: This Ordination is according to *Sewàrteh Behtàchàrige*, *Jeimoot Bàhun*, and *Gopaul Punchànun*, and is approved (or cuſtomary in this Kingdom:) *Sirree Kiſhen Terkàlungkàr* ſays, " That in caſe a Grandſon of the Brother by Blood be alive, the Grandſon of the Half-Brother ſhall not receive any Share of the Property."

If there be no Brother's Grandſon, it goes to the Siſter's Son; if there is but One Siſter's Son, he ſhall receive the whole; if there are ſeveral Siſter's Sons, they all ſhall have equal Shares.

If there be no Siſter's Son, it goes to the Grandfather; if there is no Grandfather, it goes to the Father's Mother; if there be no Father's Mother, to the Paternal Uncle; if there be but One Paternal Uncle, he ſhall obtain the whole; if there are ſeveral Paternal Uncles, they all ſhall receive equal Shares.

If there be no Paternal Uncle, it goes to the Paternal Uncle's Son; if there be but One Paternal Uncle's Son, he ſhall receive the whole; if there are ſeveral Paternal Uncle's Sons, they all ſhall obtain equal Shares.

If there be no Paternal Uncle's Son, it goes to the Paternal Uncle's Grandſon; if there be but One Paternal Uncle's Grandſon, he ſhall obtain the whole; if there are ſeveral Paternal Uncle's Grandſons, they all ſhall receive equal Shares.

If there be no Paternal Uncle's Grandſon, it goes to the Son of the Grandfather's Daughter; if there is but One Grandfather's Daughter's Son, he ſhall receive

receive the whole; if there are ſeveral Grandfather's Daughter's Sons, they ſhall all receive equal Shares.

If there be no Grandfather's Daughter's Son, it goes to the Son of the Paternal Uncle's Daughter; if there is but One Paternal Uncle's Daughter's Son, he receives the whole; if there are ſeveral Paternal Uncle's Daughter's Sons, they all ſhall obtain equal Shares.

If there be no Paternal Uncle's Daughter's Son, it goes to the Grandfather's Father; if there be no Grandfather's Father, to the Grandfather's Mother; if there be no Grandfather's Mother, to the Grandfather's Brother; if there is but One Grandfather's Brother, he obtains the whole; if there be ſeveral Grandfather's Brothers, they ſhall all receive equal Shares.

If there be no Grandfather's Brother, it goes to the Grandfather's Brother's Son; if there is but One Grandfather's Brother's Son, he ſhall obtain the whole; if there be ſeveral Grandfather's Brother's Sons, they all ſhall have equal Shares.

If there be no Grandfather's Brother's Son, it goes to the Grandfather's Brother's Grandſon; if there is but One Grandfather's Brother's Grandſon, he ſhall obtain the whole; if there are ſeveral Grandfather's Brother's Grandſons, they all ſhall receive equal Shares.

If there be no Grandfather's Brother's Grandſon, it goes to the Grandfather's Father's Daughter's Son; if there is but One Grandfather's Father's Daughter's Son, he ſhall receive the whole; if there are ſeveral Grandfather's Father's Daughter's Sons, they all ſhall receive equal Shares.

If there be no Grandfather's Father's Daughter's Son, it goes to the Mother's Father; if there be no Mother's Father, it goes to the Maternal Uncle; if there is but One Maternal Uncle, he ſhall receive the whole; if there are ſeveral Maternal Uncles, they ſhall all have equal Shares.

If there be no Maternal Uncle, it goes to the Maternal Uncle's Son; if there is but One Maternal Uncle's Son, he receives the whole; if there are ſeveral Maternal Uncle's Sons, they ſhall all have equal Shares.

If there be no Maternal Uncle's Son, it goes to the Maternal Uncle's Grandſon; if there be but One Maternal Uncle's Grandſon, he receives the whole; if there are ſeveral Maternal Uncle's Grandſons, they all ſhall obtain equal Shares.

If there be no Maternal Uncle's Grandſon, it goes to the Grandſon's Grandſon; if there be but One Grandſon's Grandſon, he ſhall obtain the whole; if there are ſeveral Grandſon's Grandſons, they ſhall all receive equal Shares.

If there be no Grandſon's Grandſon, it goes to the Grandſon's Grandſon's Son; if there be but One Grandſon's Grandſon's Son, he ſhall obtain the whole; if there be ſeveral Grandſon's Grandſon's Sons, they ſhall all receive equal Shares.

If there be no Grandſon's Grandſon's Son, it goes to the Grandſon's Grandſon's Grandſon; if there is but One Grandſon's Grandſon's Grandſon, he ſhall obtain the whole; if there are ſeveral Grandſon's Grandſon's Grandſons, they all ſhall obtain equal Shares.

If

If there be no Grandſon's Grandſon's Grandſon, it goes to the Grandfather's Grandfather; if there be no Grandfather's Grandfather, it goes to the Grandfather's Paternal Uncle; if there is but One Grandfather's Paternal Uncle, he ſhall obtain the whole; if there be ſeveral Grandfather's Paternal Uncles, they ſhall all receive equal Shares.

If there be no Grandfather's Paternal Uncle, it goes to the Grandfather's Paternal Uncle's Son; if there is but One Grandfather's Paternal Uncle's Son, he ſhall obtain the whole; if there are ſeveral Grandfather's Paternal Uncle's Sons, they ſhall all have equal Shares.

If there be no Grandfather's Paternal Uncle's Son, it goes to the Grandfather's Paternal Uncle's Grandſon; if there is but One Grandfather's Paternal Uncle's Grandſon, he ſhall have the whole; if there are ſeveral Grandfather's Paternal Uncle's Grandſons, they ſhall all receive equal Shares.

If there be no Grandfather's Paternal Uncle's Grandſon, it goes to the Grandfather's Grandfather's Daughter's Son; if there is but One Grandfather's Grandfather's Daughter's Son, he ſhall receive the whole; if there are ſeveral Grandfather's Grandfather's Daughter's Sons, they ſhall all receive equal Shares.

If there be no Grandfather's Grandfather's Daughter's Son, it goes to the Grandfather's Grandfather's Father; if there be no Grandfather's Grandfather's Father, it goes to the Grandfather's Grandfather's Brother; if there is but One Grandfather's Grandfather's Brother, he ſhall receive the whole; if there are ſeveral Grandfather's Grandfather's Brothers, they ſhall all receive equal Shares.

If there be no Grandfather's Grandfather's Brother, it goes to the Grandfather's Grandfather's Brother's Son; if there is but One Grandfather's

Grandfather's

Grandfather's Brother's Son, he ſhall receive the whole; if there be ſeveral Grandfather's Grandfather's Brother's Sons, they ſhall all receive equal Shares.

If there be no Grandfather's Grandfather's Brother's Son, it goes to the Grandfather's Grandfather's Brother's Grandſon; if there be but One Grandfather's Grandfather's Brother's Grandſon, he ſhall obtain the whole; if there are ſeveral Grandfather's Grandfather's Brother's Grandſons, they ſhall all receive equal Shares.

If there be no Grandfather's Grandfather's Brother's Grandſon, it goes to the Grandfather's Grandfather's Father's Daughter's Son; if there is but One Grandfather's Grandfather's Father's Daughter's Son, he ſhall receive the whole; if there are ſeveral Grandfather's Grandfather's Father's Daughter's Sons, they ſhall all receive equal Shares.

If there be no Grandfather's Grandfather's Father's Daughter's Son, it goes to the Grandfather's Grandfather's Grandfather; if there be no Grandfather's Grandfather's Grandfather, it goes to the Grandfather's Grandfather's Father's Brother; if there is but One Grandfather's Grandfather's Father's Brother, he ſhall obtain the whole; if there are ſeveral Grandfather's Grandfather's Father's Brothers, they ſhall all have equal Shares.

If there be no Grandfather's Grandfather's Father's Brother, it goes to the Grandfather's Grandfather's Father's Brother's Son; if there is but One Grandfather's Grandfather's Father's Brother's Son, he ſhall receive the whole; if there are ſeveral Grandfather's Grandfather's Father's Brother's Sons, they ſhall all receive equal Shares.

If there be no Grandfather's Grandfather's Father's Brother's Son, it goes to the Grandfather's Grandfather's Father's Brother's Grandſon; if there is but

but One Grandfather's Grandfather's Father's Brother's Grandſon, he ſhall receive the whole; if there be ſeveral Grandfather's Grandfather's Father's Brother's Grandſons, they ſhall all have equal Shares.

If there be no Grandfather's Grandfather's Father's Brother's Grandſon, it goes to the Grandfather's Grandfather's Grandfather's Daughter's Son; if there be but One Grandfather's Grandfather's Grandfather's Daughter's Son, he ſhall obtain the whole; if there are ſeveral Grandfather's Grandfather's Grandfather's Daughter's Sons, they ſhall all receive equal Shares.

If there be no Grandfather's Grandfather's Grandfather's Daughter's Son, it goes then to any One of the Family who is the next near Relation; if there be no near Relation, it goes to One of diſtant Affinity; if there be none of theſe alſo, then the Magiſtrate ſhall obtain the Effects of the *Chehteree*, the *Sooder*, and the *Bice*; and the Property of the *Bramin* goes to the Perſon who gave the Deceaſed the *Goiteree*: (The *Goiteree* means a Charm, or *Hindoo* Incantation, which is taught the *Bramin*, at the Time of inveſting him with the *Braminical* Thread.)

In default of him, it goes to the Pupil whom the Deceaſed inſtructed in the Science of the *Beids*; if there is but One Pupil, he ſhall receive the whole; if there are ſeveral Pupils, they ſhall all receive equal Shares.

If there be no Pupil, it goes to the Fellow Student, with whom the Deceaſed learned the Science under the ſame Tutor; if there is but One Fellow Student, he ſhall receive the whole; if there are ſeveral Fellow Students, they ſhall all obtain equal Shares.

If there be no Fellow Student, it goes to the learned *Bramin* of the Village where the deceaſed *Bramin* had his Reſidence; if there is no learned *Bramin* there,

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the unlearned *Bramins* in that Village ſhall obtain it; if there are no *Bramins* in that Village, the *Bramins* living in the Environs of that Village ſhall receive it.

The Magiſtrate ſhall never receive the Effects of a *Bramin.*

## SECT. II.

### *Of Dividing the Property of the Berhemchàrry, the Sinaſſee, and the Bàn Peruſt.*

If a *Berhemchàrry* dies, the Man who taught the Deceaſed the Incantation *Goiteree* ſhall obtain his Effects; in default of him, another *Berhemchàrry* ſhall receive them.

He is called a *Berhemchàrry*, who, after aſſuming the *Braminical* Thread, remains in the Deſart Twelve Years, in the Preſence of his Theological Inſtructor, applying himſelf to the Study of the Science of the *Beids*, and who, in all that Time, ſees the Face of Men of no other Tribe, but only of the *Bramins*, and who employs himſelf wholly in the Worſhip of God.

If a *Sinaſſee* dies, his Effects go to his Pupil in Religion; in default of him, to another *Sinaſſee.*

He is a *Sinaſſee*, who, after aſſuming the *Braminical* Thread, cuts and ſhaves all the Hair from his Head, burns the *Braminical* Thread, and cloathing himſelf in Two Red Cloths, and, carrying a *Bamboo* Staff of his own Height, in his Right-Hand, and an Earthen Pot in his Left, forſakes his Wife and Children, and becomes a *Fakeer.*

If

If a *Bàn Perùſt* dies, the Man who was his Fellow Worſhipper, in the ſame conſecrated Ground, ſhall receive his Property; in default of him, it ſhall go to another *Bàn Perùſt*.

He is a *Bàn Perùſt*, who, after the Expiration of his Fiftieth Year of Life, renounces the World, and, dedicating himſelf wholly to the Worſhip of God in the Deſart, returns no more to his own Houſe.

## SECT. III.

### *Of a Woman's Property.*

That is called a Woman's Property, Firſt, Whatever ſhe receives during the *Ayàmmi Shàdee* (or Days of Marriage.)

The *Ayàmmi Shàdee* begins with the *Nandee Mookheh*, (the *Nandee Mookheh* is when the Bridegroom, before the Marriage Exhortation is pronounced, performs the *Fàteheh Buzurgwar**) and ends with the *Puntubbee-bàden*, that is, the Salute of Reſpect made to the Bridegroom by the Bride. The Space of Time, thus limited, is called the *Ayàmmi Shàdee*.

Whatever ſhe may receive from any Perſon, as ſhe is going to her Huſband's Houſe, or coming from thence.

Whatever

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* The *Fàteheh Buzurgwar* is an Offering made by a Man to the Prieſts, for the Repoſe of the Souls of his Father, his Grandfather, &c.

Whatever her Husband may at any Time have given her; whatever she has received at any Time from a Brother; and whatever her Father and Mother may have given her.

Whatever her Husband, on his contracting a Second Marriage, may give her, to pacify her.

Whatever a Person may have given a Woman for Food or Cloathing.

Whatever Jewels, or Wearing-Apparel, she may have received from any Person.

Also, whatever a Woman may receive from any Person, as an Acknowledgment, or Payment, for any Work performed by her.

Whatever she may by Accident have found any where.

Whatever she may gain by Painting, Spinning, Needle-Work, or any other Employment of this Kind.

Except from One of the Family of her Father, One of the Family of her Mother, or One of the Family of her Husband, whatever she may receive from any other Person.

Also, if the Father or Mother of a Girl give any Thing to their Son-in-Law, saying, at the same Time, "This shall go to our Daughter," and even without any Words to this Purpose, at the Time of making the Gift, if they merely have it in their Intentions, that the Thing thus given should revert to their Daughter: All and every of these Articles are called a Woman's Property.

If among these Articles here specified, a Woman's Husband should have given her Glebe Land, Orchards, or Houses, if she has gained any Thing by her own Industry, in Painting, Spinning, Needle-Work, and such Employments, and, exclusive of the Family of her Father, her Mother, or her Husband, if she has received any Thing from any other Person, these Things, thus received, are not in her own Disposal; all her other Effects, except what is gotten by the Three Methods above-mentioned, may be disposed of in any Manner agreeable to her own Inclinations; but of Glebe Land, Orchards, and Houses, of the Money gained by Painting, and such Employments, and of the Presents given her by Strangers, she has not the Right of Disposal: And if a Woman does not leave her Property acquired by these Three Methods, or by the other Means already specified, to her Father, her Brother, or her Son, they shall not obtain it.

If, during the Time of a Famine, or for the Execution of some religious Purpose, or on Account of Sickness, or to satisfy the importunate Demands of a Creditor, who has proceeded so far as to seize his Debtor, and confine him without Victuals, the Husband should appropriate to himself his Wife's Property, without her Leave, he is justifiable, nor is he obliged to return or repay what is so appropriated; but in Times of Plenty and Prosperity, he has not Power to take it; and if in Times of Plenty he takes it without Leave of his Wife, he must repay her both Principal and Interest; if he takes it by her Consent, he shall only return what he originally borrowed.

If a Man takes the Property of One of his Wives, and remains attached to a Second, without behaving with proper Civility to the First, the Magistrate shall cause her Property to be restored to her.

 If

If a Hufband neglects to give his Wife neceffary Victuals and Apparel, fhe fhall procure them by any Means in her Power.

Whatever Woman be of a Difpofition altogether malevolent, or wanting in female Modefty, or carelefs of her Property, or unchafte, fuch Woman is incapable of poffeffing what has been fpecified to be a Woman's Property.

## SECT. IV.

### *Of the Inheritance of a Woman's Property.*

When a Woman dies, then whatever Effects fhe acquired during the *Ayàmmi Shàdee*, even though fhe hath a Son living, fhall firft go to her unmarried Daughter; if there is but One unmarried Daughter, fhe fhall obtain the whole; if there are feveral unmarried Daughters, they all fhall have equal Shares.

And an unmarried Daughter, who has inherited her Mother's Effects, and afterwards marries, if fhe fhould die without having borne a Son, thofe Effects do not go to her Hufband, but the Sifters of the faid Daughter fhall obtain them; if the Daughter fhould leave a Son, at her Death, that Son fhall receive an equal Share of his Mother's Property from her Sifters.

If there be no unmarried Daughter, then it fhall go in equal Shares to the Daughter who has Children, and to the Daughter who will have Children; of thefe, if there is but One Daughter, fhe fhall obtain the whole Property; if there are feveral Daughters, they fhall all receive equal Shares.

If

If there are none of thefe, then it fhall go in equal Shares to the barren Daughter, and to the Daughter who is a childlefs Widow.

If there are no barren Daughters or childlefs Widow, it fhall go to the Son; if there is but One Son, he fhall obtain the whole; if there are feveral Sons, they fhall all receive equal Shares.

If there be no Son, it goes to the Daughter's Son; if there is but One Daughter's Son, he receives the whole; if there are feveral Daughter's Sons, they fhall have equal Shares.

If there be no Daughter's Son, it goes to the Grandfon, *i. e.* Son's Son; if there is but One Grandfon, he receives the whole; if there are feveral Grandfons, they all obtain equal Shares.

If there be no Grandfon, it goes to the Grandfon's Son; if there be but One Grandfon's Son, he fhall receive the whole; if there are feveral Grandfon's Sons, they all obtain equal Shares.

If there be no Grandfon's Son, it goes to the Hufband's Son by another Wife; if there is but One Son of the Hufband by another Wife, he fhall obtain the whole; if there are feveral Sons of the Hufband by another Wife, they all receive equal Shares.

If there be no Son of the Hufband by another Wife, it goes to the Grandfon of the Hufband by another Wife; if there is but One Grandfon of the Hufband by another Wife, he obtains the whole; if there are feveral Grandfons of the Hufband by another Wife, they fhall all receive equal Shares.

If

If there be no Grandſon of the Huſband by another Wife, it goes to the Grandſon's Son of the Huſband by another Wife; if there is but One Son of the Grandſon of the Huſband by another Wife, he ſhall receive the whole; if there be ſeveral Grandſon's Sons of the Huſband by another Wife, they ſhall all receive equal Shares.

If there be no Grandſon's Son of the Huſband by another Wife, then, in Five of the Forms of Marriage, whatever Property a Woman may have acquired, after her Death, goes to her Huſband.

## *Explanation of thoſe Five Forms of Marriage.*

I. *Berâmeh.*

II. *Deeyb.*

III. *Arſh.*

IV. *Kândehrub.*

V. *Perâjâput.*

*Firſt. Berâmeh*, ſo called, when a Father, with much Entreaty and Importunity, has procured a Bridegroom of Diſtinction, and, on that Account, making magnificent Nuptial Preſents, marries him to his Daughter.

*Second. Deeyb*, ſo called, when the *Jugg* is firſt performed: (The *Jugg* is thus celebrated; they pitch a Tent upon a ſelect Spot of Ground, and make a Fire there; then they pour *Ghee* upon the Fire, uttering at the ſame Time certain Prayers to their Deities: For the *Duchnch* of this Ceremony, the Parents deck out

out their Daughter with fine Ornaments and handſome Cloaths, and give her in Marriage to the *Bramin:* The *Duchneh* is that Preſent which a Man gives to a *Bramin*, whom he has procured to pray for him; in this Caſe, the Daughter is in lieu of that Preſent.)

*Third. Arſh*, ſo called, when the Parents of a Girl receive One Bull and One Cow from the Bridegroom, on his marrying their Daughter.

*Fourth. Kàndehrub*, ſo called, when a Man and Woman, by mutual Conſent, interchange their Necklaces, or Strings of Flowers, and both make Agreement, in ſome ſecret Place; as for Inſtance, the Woman ſays, "I am become your Wife," and the Man ſays, "I acknowledge it."

*Fifth. Pèràjàput*, ſo called, when the Parents of a Girl, upon her Marriage, ſay to the Bridegroom, "Whatever Act of Religion you perform, perform it with our Daughter," and the Bridegroom aſſents to this Speech.

If there be no Huſband, a Woman's Property goes to her Brother; if there is but One Brother, he ſhall obtain the whole; if there are ſeveral Brothers, they all have equal Shares.

If there be no Brother, it goes to her Mother; if there be no Mother, it goes to her Father.

And under the other Three Forms of Marriage, whatever Property a Woman has acquired, if there be no unmarried Daughter, nor other Heirs, till after the Grandſon's Son of the Huſband by another Wife, as hath been already ſpecified, after her Death, goes to her Mother; if there be no Mother, it goes to her Father; if there be no Father, to her Huſband.

## *Explanation of the other Three Forms of Marriage.*

I. *Afhore.*
II. *Ràkhus.*
III. *Peifhàch.*

*First. Afhore*, fo called, when a Man gives Money to a Father and Mother, on his marrying their Daughter, and alfo gives fomething to the Daughter herfelf.

*Second. Ràkhus*, fo called, when a Man marries the Daughter of another, whom he has conquered in War.

*Third. Peifhàch*, fo called, when, before Marriage, a Man, coming in the Drefs and Difguife of a Woman, debauches a Girl, and afterwards the Mother and Father of the Girl marry her to the fame Man.

After this Account of a Woman's Heirs, under the Eight different Forms of Marriage, which have been explained in Two Sections, if none, within the Limitations there fpecified, fhould remain, then the Property of a Woman goes, after her Death, to her Hufband's Younger Brother; if there is but One Younger Brother, he receives the whole; if there are feveral Younger Brothers, they all obtain equal Shares.

If there be no Younger Brother of her Hufband, it goes in equal Shares to the Son of her Hufband's Younger Brother, and to the Son of her Hufband's Elder Brother.

If there be none of thefe, it goes to her Sifter's Son; if there is but One Sifter's Son, he receives the whole; if there are feveral Sifter's Sons, they fhall all have equal Shares.

If there be no Sifter's Son, it goes to her Hufband's Sifter's Son; if there is but One Hufband's Sifter's Son, he receives the whole; if there are feveral Hufband's Sifter's Sons, they all have equal Shares.

If there be no Hufband's Sifter's Son, it goes to her Brother's Son; if there is but One Brother's Son, he receives the whole; if there are feveral Brother's Sons, they fhall all have equal Shares.

If there be no Brother's Son, it goes to her Daughter's Hufband; if there is but One Daughter's Hufband, he fhall receive the whole; if there are feveral Daughter's Hufbands, they fhall all obtain equal Shares.

If there be no Daughter's Hufband, it goes to her Hufband's Father; if there be no Hufband's Father, it goes to her Hufband's Elder Brother; if there is but One Elder Brother of herHufband, he receives the whole; if there are feveral Elder Brothers of the Hufband, they all obtain equal Shares.

If there be no Elder Brother of her Hufband, it goes to her Hufband's Brother's Grandfon; if there is but One Hufband's Brother's Grandfon, he fhall receive the whole; if there are feveral Hufband's Brother's Grandfons, they all have equal Shares.

If there be noHufband'sBrother's Grandfon, it goes to theHufband'sGrandfather; if there be no Grandfather of her Hufband, it goes to the Hufband's Paternal Uncle; if there is but One Paternal Uncle of her Hufband, he fhall receive

receive the whole; if there are ſeveral Huſband's Paternal Uncles, they all ſhall obtain equal Shares.

If there be no Huſband's Paternal Uncle, it goes to her Huſband's Paternal Uncle's Son; if there is but One Huſband's Paternal Uncle's Son, he ſhall receive the whole; if there are ſeveral Huſband's Paternal Uncle's Sons, they ſhall all obtain equal Shares.

If there be no Huſband's Paternal Uncle's Son, it goes to her Huſband's Paternal Uncle's Grandſon; if there is but One Huſband's Paternal Uncle's Grandſon, he ſhall obtain the whole; if there are ſeveral Huſband's Paternal Uncle's Grandſons, they ſhall all receive equal Shares.

If there be no Huſband's Paternal Uncle's Grandſon, it goes to her Huſband's Grandfather's Father; if there be no Huſband's Grandfather's Father, it goes to her Huſband's Grandfather's Brother; if there is but One Brother of her Huſband's Grandfather, he receives the whole; if there are ſeveral Huſband's Grandfather's Brothers, they ſhall all receive equal Shares.

If there be no Huſband's Grandfather's Brother, it goes to her Huſband's Grandfather's Brother's Son; if there is but One Huſband's Grandfather's Brother's Son, he obtains the whole; if there are ſeveral Huſband's Grandfather's Brother's Sons, they ſhall all receive equal Shares.

If there is no Huſband's Grandfather's Brother's Son, it goes to her Huſband's Grandfather's Brother's Grandſon; if there is but One Huſband's Grandfather's Brother's Grandſon, he receives the whole; if there are ſeveral Huſband's Grandfather's Brother's Grandſons, they all have equal Shares.

If there be no Huſband's Grandfather's Brother's Grandſon, it goes to her Huſband's Grandſon's Grandſon; if there is but One Huſband's Grandſon's Grandſon,

Grandfon, he obtains the whole; if there are feveral Hufband's Grandfon's Grandfons, they all receive equal Shares.

If there be no Hufband's Grandfon's Grandfon, it goes to her Hufband's Grandfon's Grandfon's Son; if there is but One Hufband's Grandfon's Grandfon's Son, he receives the whole; if there are feveral Hufband's Grandfon's Grandfon's Sons, they fhall all obtain equal Shares.

If there be no Hufband's Grandfon's Grandfon's Son, it goes to the Hufband's Grandfon's Grandfon's Grandfon; if there is but One Hufband's Grandfon's Grandfon's Grandfon, he fhall obtain the whole; if there are feveral Hufband's Grandfon's Grandfon's Grandfons, they all have equal Shares.

If there be no Hufband's Grandfon's Grandfon's Grandfon, it goes to her Hufband's Grandfather's Grandfather; if there be no Hufband's Grandfather's Grandfather, it goes to her Hufband's Grandfather's Father's Brother; if there is but One Hufband's Grandfather's Father's Brother, he fhall receive the whole; if there are feveral Hufband's Grandfather's Father's Brothers, they fhall all obtain equal Shares.

If there be no Hufband's Grandfather's Father's Brother, it goes to the Hufband's Grandfather's Father's Brother's Son; if there is but One Hufband's Grandfather's Father's Brother's Son, he obtains the whole; if there are feveral Hufband's Grandfather's Father's Brother's Sons, they fhall all receive equal Shares.

If there be no Hufband's Grandfather's Father's Brother's Son, it goes to her Hufband's Grandfather's Father's Brother's Grandfon; if there is but One Hufband's Grandfather's Father's Brother's Grandfon, he fhall obtain the



whole;

whole; if there are ſeveral Huſband's Grandfather's Father's Brother's Grandſons, they ſhall all receive equal Shares.

If there be no Huſband's Grandfather's Father's Brother's Grandſon, it goes to her Huſband's Grandfather's Grandfather's Father; if there be no Huſband's Grandfather's Grandfather's Father, it goes to her Huſband's Grandfather's Grandfather's Brother; if there is but One Huſband's Grandfather's Grandfather's Brother, he takes the whole; if there are ſeveral Huſband's Grandfather's Grandfather's Brothers, they all receive equal Shares.

If there be no Huſband's Grandfather's Grandfather's Brother, it goes to her Huſband's Grandfather's Grandfather's Brother's Son; if there be but One Huſband's Grandfather's Grandfather's Brother's Son, he receives the whole; if there are ſeveral Huſband's Grandfather's Grandfather's Brother's Sons, they ſhall all obtain equal Shares.

If there be no Huſband's Grandfather's Grandfather's Brother's Son, it goes to her Huſband's Grandfather's Grandfather's Brother's Grandſon; if there is but One Huſband's Grandfather's Grandfather's Brother's Grandſon, he ſhall obtain the whole; if there are ſeveral Huſband's Grandfather's Grandfather's Brother's Grandſons, they all ſhall have equal Shares.

If there be no Huſband's Grandfather's Grandfather's Brother's Grandſon, it goes to her Huſband's Grandfather's Grandfather's Grandfather; if there be no Huſband's Grandfather's Grandfather's Grandfather, it goes to her Huſband's Grandfather's Grandfather's Father's Brother; if there is but One Huſband's Grandfather's Grandfather's Father's Brother, he ſhall obtain the whole; if there are ſeveral Huſband's Grandfather's Grandfather's Father's Brothers, they all receive equal Shares.

If

If there be no Hufband's Grandfather's Grandfather's Father's Brother, it goes to her Hufband's Grandfather's Grandfather's Father's Brother's Son; if there is but One Hufband's Grandfather's Grandfather's Father's Brother's Son, he fhall receive the whole; if there are feveral Hufband's Grandfather's Grandfather's Father's Brother's Sons, they fhall all have equal Shares.

If there be no Hufband's Grandfather's Grandfather's Father's Brother's Son, it goes to the Hufband's Grandfather's Grandfather's Father's Brother's Grandfon; if there is but One Hufband's Grandfather's Grandfather's Father's Brother's Grandfon, he obtains the whole; if there are feveral Hufband's Grandfather's Grandfather's Father's Brother's Grandfons, they fhall all obtain equal Shares.

If there be no Hufband's Grandfather's Grandfather's Father's Brother's Grandfon, it then goes to any One of her Hufband's Family who is the next near Relation; if there be no near Relations, it goes to any One of diftant Affinity; if there be none of thefe alfo, then the Magiftrate fhall obtain the Property of the Wife of a *Chehteree*, a *Sooder*, or a *Bice*: And the Property of the Wife of a *Bramin* goes to the learned *Bramins* of the Village where fhe had her Refidence; if there are no learned *Bramins* in the Village, fhe fhall give it to the unlearned *Bramins*; if alfo there be no unlearned *Bramins* there, fhe fhall give it to the *Bramins* of the Environs.

The Magiftrate fhall never obtain the Property of a *Bramin*'s Wife.

The Property of a Woman (exclufive of what fhe received during the *Ayàmmi Shàdee*, and exclufive of what her Father may have given her, before or after Marriage) goes, after her Death, to her unmarried Daughter, and to her Son, in equal Shares; if there is no Son, the Daughter obtains the whole; if there

there is no Daughter, the Son obtains the whole; if there are ſeveral of theſe, they ſhall all obtain equal Shares.

If there are none of theſe, then the Daughter who has borne Children, and the Daughter who will bear Children, ſhall receive equal Shares; if of theſe there is only One Daughter, ſhe obtains the whole; if there are ſeveral, they all ſhall poſſeſs equal Shares.

If there are none of theſe, it goes to the Grandſon (*i. e.* Son's Son) if there is but One Grandſon, he receives the whole; if there are ſeveral Grandſons, they receive equal Shares.

If there is no Grandſon, it goes to the Daughter's Son; if there is but One Daughter's Son, he obtains the whole; if there are ſeveral Daughter's Sons, they ſhall all obtain equal Shares.

If there is no Daughter's Son, it goes to the Grandſon's Son; if there is but One Grandſon's Son, he ſhall take the whole; if there are ſeveral Grandſon's Sons, they ſhall all obtain equal Shares.

If there is no Grandſon's Son, it goes to the Huſband's Son by another Wife; if there is but One Son of the Huſband by another Wife, he ſhall obtain the whole; if there are ſeveral Sons of the Huſband by another Wife, they ſhall receive equal Shares.

If there is no Son of the Huſband by another Wife, it goes to the Grandſon of the Huſband by another Wife; if there is but One Grandſon by another Wife, he ſhall obtain the whole; if there are ſeveral Grandſons of the Huſband by another Wife, they ſhall all receive equal Shares.

If

If there is no Grandſon of the Huſband by another Wife, it goes to the Grandſon's Son of the Huſband by another Wife; if there is but One Grandſon's Son of the Huſband by another Wife, he takes the whole; if there are ſeveral Grandſon's Sons of the Huſband by another Wife, they ſhall all receive equal Shares.

If there is no Grandſon's Son of the Huſband by another Wife, it goes to the barren Daughter, and to the Daughter who is a childleſs Widow, in equal Shares; if of theſe there is but One Daughter, ſhe ſhall obtain the whole; if there are ſeveral Daughters, they muſt take equal Shares.

If there are none of theſe, then the Property of every Woman who was married according to any One of the Five firſt Forms of Marriage goes to her Huſband; if there is no Huſband, to her Brother; if there is but One Brother, he receives the whole; if there are ſeveral Brothers, they muſt take equal Shares.

If there is no Brother, it goes to her Mother; if there is no Mother, it goes to her Father; if there is no Father, then the Property of a Woman who was married according to any One of the Three laſt Forms of Marriage, goes, after her Death (if there be no Daughter or other Heir within the Limits already before-mentioned) to her Mother; if there is no Mother, to her Father; if there is no Father, it goes to her Huſband.

If there be no Huſband, then the Property of every Woman who was married according to any One of the Eight Forms of Marriage goes, after her Death, to her Huſband's Younger Brother; if there is but One Younger Brother of her Huſband, he ſhall receive the whole; if there are ſeveral Younger Brothers of her Huſband, they muſt take equal Shares.

If there is no Younger Brother of her Hufband, then it goes, in equal Shares, to her Hufband's Elder Brother's Son, and to her Hufband's Younger Brother's Son; if there is but One Son of her Hufband's Elder Brother, or One Son of her Hufband's Younger Brother, he fhall take the whole; if there are feveral, they fhall all receive equal Shares.

If there is no Son of her Hufband's Younger Brother, nor Son of her Hufband's Elder Brother, it goes to her Sifter's Son; if there is but One Sifter's Son, he fhall take the whole; if there are feveral Sifter's Sons, they fhall all obtain equal Shares.

If there be no Sifter's Son, it goes to her Hufband's Sifter's Son; if there is but One Hufband's Sifter's Son, he fhall take the whole; if there are feveral Hufband's Sifter's Sons, they fhall all receive equal Shares.

If there be no Hufband's Sifter's Son, it goes to her Brother's Son; if there is but One Perfon her Brother's Son, he fhall take the whole; if there are feveral Brother's Sons, they all receive equal Shares.

If there is no Brother's Son, it goes to her Daughter's Hufband; if there is but One Daughter's Hufband, he fhall receive the whole; if there are feveral Daughter's Hufbands, they fhall all obtain equal Shares.

If there is no Daughter's Hufband, it goes to her Hufband's Father; if there is no Hufband's Father, it goes to her Hufband's Elder Brother; if there is but One Elder Brother of her Hufband, he fhall take the whole; if there are feveral Elder Brothers of her Hufband, they fhall receive equal Shares.

If there is no Elder Brother of her Hufband, it goes to her Hufband's Brother's Grandfon; if there is but One Hufband's Brother's Grandfon, he fhall take

take the whole; if there are ſeveral Huſband's Brother's Grandſons, they all have equal Shares.

If there is no Huſband's Brother's Grandſon, it goes to her Huſband's Grandfather; if there is no Huſband's Grandfather, it goes to her Huſband's Paternal Uncle; if there is but One Paternal Uncle of her Huſband, he ſhall receive the whole; if there are ſeveral Paternal Uncles of her Huſband, they ſhall take equal Shares.

If there is no Paternal Uncle of her Huſband, it goes to her Huſband's Paternal Uncle's Son; if there is but One Son of her Huſband's Paternal Uncle, he ſhall receive the whole; if there are ſeveral Sons of her Huſband's Paternal Uncle, they receive equal Shares.

If there is no Huſband's Paternal Uncle's Son, it goes to her Huſband's Paternal Uncle's Grandſon; if there is but One Huſband's Paternal Uncle's Grandſon, he ſhall take the whole; if there are ſeveral Huſband's Paternal Uncle's Grandſons, they ſhall receive equal Shares.

If there is no Huſband's Paternal Uncle's Grandſon, it goes to her Huſband's Grandfather's Father; if there is no Grandfather's Father of her Huſband, it goes to her Huſband's Grandfather's Brother; if there is but One Brother of her Huſband's Grandfather, he ſhall take the whole; if there are ſeveral Brothers of her Huſband's Grandfather, they ſhall receive equal Shares.

If there is no Huſband's Grandfather's Brother, it goes to her Huſband's Grandfather's Brother's Son; if there is but One Son of her Huſband's Grandfather's Brother, he ſhall take the whole; if there are ſeveral Sons of her Huſband's Grandfather's Brother, they ſhall all receive equal Shares.

If

If there is no Hufband's Grandfather's Brother's Son, it goes to her Hufband's Grandfather's Brother's Grandfon; if there is but One Grandfon of her Hufband's Grandfather's Brother, he fhall take the whole; if there are feveral Grandfons of her Hufband's Grandfather's Brother, they fhall receive equal Shares.

If there is no Hufband's Grandfather's Brother's Grandfon, it goes to her Hufband's Grandfon's Grandfon; if there is but One Grandfon of her Hufband's Grandfon, he fhall take the whole; if there are feveral of her Hufband's Grandfon's Grandfons, they fhall all receive equal Shares.

If there is no Hufband's Grandfon's Grandfon, it goes to her Hufband's Grandfon's Grandfon's Son; if there is but One Hufband's Grandfon's Grandfon's Son, he fhall take the whole; if there are feveral Hufband's Grandfon's Grandfon's Sons, they fhall receive equal Shares.

If there be no Hufband's Grandfon's Grandfon's Son, it goes to her Hufband's Grandfon's Grandfon's Grandfon; if there is but One Hufband's Grandfon's Grandfon's Grandfon, he fhall take the whole; if there are feveral Hufband's Grandfon's Grandfon's Grandfons, they fhall receive equal Shares.

If there is no Hufband's Grandfon's Grandfon's Grandfon, it goes to her Hufband's Grandfather's Grandfather; if there be no Hufband's Grandfather's Grandfather, it goes to her Hufband's Grandfather's Father's Brother; if there is but One Hufband's Grandfather's Father's Brother, he fhall take the whole; if there are feveral Hufband's Grandfather's Father's Brothers, they fhall all receive equal Shares.

If

If there is no Husband's Grandfather's Father's Brother, it goes to her Husband's Grandfather's Father's Brother's Son; if there is but One Husband's Grandfather's Father's Brother's Son, he shall take the whole; if there are several Husband's Grandfather's Father's Brother's Sons, they shall receive equal Shares.

If there is no Husband's Grandfather's Father's Brother's Son, it goes to her Husband's Grandfather's Father's Brother's Grandson; if there is but One Husband's Grandfather's Father's Brother's Grandson, he shall receive the whole; if there are several of her Husband's Grandfather's Father's Brother's Grandsons, they shall receive equal Shares.

If there is no Husband's Grandfather's Father's Brother's Grandson, it goes to her Husband's Grandfather's Grandfather's Father; if there is no Husband's Grandfather's Grandfather's Father, it goes to her Husband's Grandfather's Grandfather's Brother; if there is but One Husband's Grandfather's Grandfather's Brother, he shall take the whole; if there are several of her Husband's Grandfather's Grandfather's Brothers, they shall all receive equal Shares.

If there is no Husband's Grandfather's Grandfather's Brother, it goes to her Husband's Grandfather's Grandfather's Brother's Son; if there is but One Son of her Husband's Grandfather's Grandfather's Brother, he shall take the whole; if there are several Sons of her Husband's Grandfather's Grandfather's Brother, they shall receive equal Shares.

If there is no Husband's Grandfather's Grandfather's Brother's Son, it goes to her Husband's Grandfather's Grandfather's Brother's Grandson; if there is but One Grandson of her Husband's Grandfather's Grandfather's Brother, he

ſhall take the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Brother's Grandſons, they all have equal Shares.

If there is no Huſband's Grandfather's Grandfather's Brother's Grandſon, it goes to her Huſband's Grandfather's Grandfather's Grandfather; if there is no Huſband's Grandfather's Grandfather's Grandfather, it goes to her Huſband's Grandfather's Grandfather's Father's Brother; if there is but One Brother of her Huſband's Grandfather's Grandfather's Father, he ſhall take the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Father's Brothers, they ſhall all receive equal Shares.

If there is no Huſband's Grandfather's Grandfather's Father's Brother, it goes to her Huſband's Grandfather's Grandfather's Father's Brother's Son; if there is but One Son of the Huſband's Grandfather's Grandfather's Father's Brother, he receives the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Father's Brother's Sons, they ſhall receive equal Shares.

If there is no Huſband's Grandfather's Grandfather's Father's Brother's Son, it goes to her Huſband's Grandfather's Grandfather's Father's Brother's Grandſon; if there is but One Grandſon of her Huſband's Grandfather's Grandfather's Father's Brother, he takes the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Father's Brother's Grandſons, they ſhall receive equal Shares.

If there is no Huſband's Grandfather's Grandfather's Father's Brother's Grandſon, it goes then to any One of her Huſband's Family who is the next near Relation; if there be no near Relation, he who is of diſtant Kindred to her Huſband's Family ſhall obtain it; if there is not any One of theſe, then the Magiſtrate ſhall take the Property of the Wife of a *Chehteree*, a *Sooder*, or a *Bice*: And the Property of a *Bramin's* Wife ſhall be given to the learned *Bramins* of the Village

Village where the ſaid *Bramin*'s Wife lived; if there be no learned *Bramins* in that Village, the unlearned *Bramins* of that Village ſhall obtain it; if alſo there are no unlearned *Bramins* in that Village, then it ſhall be given to the *Bramins* of the Environs.

The Magiſtrate ſhall never obtain the Property of a *Bramin*'s Wife.

Whatever a Father may have given to his Daughter, either before or after her Marriage, ſuch Property, after her Death, even though ſhe hath a Son living, goes to her unmarried Daughter; if there is but One unmarried Daughter, ſhe receives the whole; if there are ſeveral unmarried Daughters, they all receive equal Shares.

If an unmarried Daughter, having received her Mother's Effects, afterwards marries, and then dies childleſs, that Property does not go to her Huſband, but her Siſters ſhall obtain it.

If ſhe dies, leaving a Son, that Son ſhall obtain from his Mother's Siſters an equal Share with them.

If there is no unmarried Daughter, then it goes to the Daughter who has borne Children, and the Daughter who will bear Children, in equal Shares; if of theſe there is but One Daughter, ſhe ſhall take the whole, if there are ſeveral, they ſhall have equal Shares.

If there are none of theſe, then it goes, in equal Shares, to the Daughter who is barren, and to the Daughter who is a childleſs Widow; if there is but One barren Daughter, or childleſs Widow, ſhe ſhall take the whole; if there are ſeveral, they ſhall obtain equal Shares.

If there is no Daughter who is barren, or a childlefs Widow, it goes to her Son; if there is but One Son, he fhall obtain the whole; if there are feveral Sons, they fhall have equal Shares.

If there is no Son, it goes to the Daughter's Son; if there is but One Daughter's Son, he fhall take the whole; if there are feveral Daughter's Sons, they fhall receive equal Shares.

If there is no Daughter's Son, it goes to the Grandfon; if there is but One Grandfon, he fhall take the whole; if there are feveral Grandfons, they fhall receive equal Shares.

If there is no Grandfon, it goes to the Grandfon's Son; if there is but One Grandfon's Son, he fhall take the whole; if there are feveral Grandfon's Sons, they fhall receive equal Shares.

If there is no Grandfon's Son, it goes to her Hufband's Son by another Wife; if there is but One Son of her Hufband by another Wife, he fhall take the whole; if there are feveral Sons of her Hufband by another Wife, they fhall receive equal Shares.

If there is no Son of her Hufband by another Wife, it goes to her Hufband's Grandfon by another Wife; if there is but One Grandfon of the Hufband by another Wife, he fhall take the whole; if there are feveral Grandfons of her Hufband by another Wife, they fhall receive equal Shares.

If there is no Grandfon of her Hufband by another Wife, it goes to the Grandfon's Son of her Hufband by another Wife; if there is but One Grandfon's Son of her Hufband by another Wife, he fhall take the whole; if there are

are ſeveral Grandſon's Sons of the Huſband by another Wife, they all have equal Shares.

If there is no Grandſon's Son of her Huſband by another Wife, then the Property of every Woman who was married after any One of the firſt Five Forms of Marriage goes, after her Death, to her Huſband.

If there is no Huſband, it goes to her Brother; if there is but One Brother, he ſhall take the whole; if there are ſeveral Brothers, they ſhall receive equal Shares.

If there is no Brother, it goes to the Mother; if there is no Mother, it goes to the Father; if there is no Father, then the Property of every Woman who was married according to any One of the Three laſt Forms of Marriage goes, after her Death (if there is no Grandſon's Son of her Huſband by another Wife) to her Mother; if there is no Mother, it goes to her Father; if there is no Father, it goes to her Huſband.

If there is no Huſband, then the Property of a Woman who was married according to any One of the Eight Forms of Marriage goes, after her Death, to her Huſband's Younger Brother; if there is but One Younger Brother of her Huſband, he ſhall take the whole; if there are ſeveral Younger Brothers of her Huſband, they ſhall receive equal Shares.

If there is no Younger Brother of her Huſband, it goes, in equal Shares, to her Huſband's Younger Brother's Son, and to her Huſband's Elder Brother's Son; if there is but One of theſe, he ſhall take the whole Property; if there are more than One, they ſhall obtain equal Shares.

If there is no Huſband's Elder Brother's Son, and no Huſband's Younger Brother's Son, it goes to her Siſter's Son; if there is but One Siſter's Son, he

ſhall take the whole; if there are ſeveral Siſter's Sons, they ſhall receive equal Shares.

If there is no Siſter's Son, it goes to her Huſband's Siſter's Son; if there is but One Huſband's Siſter's Son, he ſhall take the whole; if there are ſeveral Huſband's Siſter's Sons, they ſhall all receive equal Shares.

If there is no Huſband's Siſter's Son, it goes to her Brother's Son; if there is but One Brother's Son, he ſhall take the whole; if there are ſeveral Brother's Sons, they ſhall receive equal Shares.

If there is no Brother's Son, it goes to her Daughter's Huſband; if there is but One Daughter's Huſband, he ſhall take the whole; if there are ſeveral Daughter's Huſbands, they ſhall obtain equal Shares.

If there is no Daughter's Huſband, it goes to her Huſband's Father; if there is no Huſband's Father, it goes to her Huſband's Elder Brother; if there is but One Elder Brother of her Huſband, he ſhall take the whole; if there are ſeveral Elder Brothers of her Huſband, they ſhall receive equal Shares.

If there is no Elder Brother of her Huſband, it goes to her Huſband's Brother's Grandſon; if there is but One Huſband's Brother's Grandſon, he ſhall take the whole; if there are ſeveral of her Huſband's Brother's Grandſons, they ſhall receive equal Shares.

If there is no Huſband's Brother's Grandſon, it goes to her Huſband's Grandfather; if there is no Huſband's Grandfather, it goes to her Huſband's Paternal Uncle; if there is but One Paternal Uncle of her Huſband, he ſhall take the whole; if there are ſeveral of her Huſband's Paternal Uncles, they ſhall receive equal Shares.

If

If there is no Hufband's Paternal Uncle, it goes to her Hufband's Paternal Uncle's Son; if there is but One Son of her Hufband's Paternal Uncle, he fhall receive the whole; if there are feveral of her Hufband's Paternal Uncle's Sons, they all have equal Shares.

If there is no Hufband's Paternal Uncle's Son, it goes to her Hufband's Paternal Uncle's Grandfon; if there is but One Grandfon of her Hufband's Paternal Uncle, he fhall take the whole; if there are feveral of her Hufband's Paternal Uncle's Grandfons, they fhall all receive equal Shares.

If there is no Hufband's Paternal Uncle's Grandfon, it goes to her Hufband's Grandfather's Father; if there is no Hufband's Grandfather's Father, it goes to her Hufband's Grandfather's Brother; if there is but One Brother of her Hufband's Grandfather, he fhall take the whole; if there are feveral of her Hufband's Grandfather's Brothers, they fhall receive equal Shares.

If there is no Hufband's Grandfather's Brother, it goes to her Hufband's Grandfather's Brother's Son; if there is but One Son of her Hufband's Grandfather's Brother, he fhall take the whole; if there are feveral of her Hufband's Grandfather's Brother's Sons, they fhall receive equal Shares.

If there is no Hufband's Grandfather's Brother's Son, it goes to her Hufband's Grandfather's Brother's Grandfon; if there is but One Grandfon of her Hufband's Grandfather's Brother, he fhall take the whole; if there are feveral of her Hufband's Grandfather's Brother's Grandfons, they fhall all receive equal Shares.

If there is no Hufband's Grandfather's Brother's Grandfon, it goes to her Hufband's Grandfon's Grandfon; if there is but One Grandfon of her Hufband's

band's

band's Grandſon, he ſhall take the whole; if there are ſeveral of her Huſband's Grandſon's Grandſons, they ſhall receive equal Shares.

If there is no Huſband's Grandſon's Grandſon, it goes to her Huſband's Grandſon's Grandſon's Son; if there is but One Huſband's Grandſon's Grandſon's Son, he ſhall take the whole; if there are ſeveral Huſband's Grandſon's Grandſon's Sons, they ſhall receive equal Shares.

If there is no Huſband's Grandſon's Grandſon's Son, it goes to her Huſband's Grandſon's Grandſon's Grandſon; if there is but One Grandſon of her Huſband's Grandſon's Grandſon, he ſhall take the whole; if there are ſeveral of her Huſband's Grandſon's Grandſon's Grandſons, they ſhall receive equal Shares.

If there is no Huſband's Grandſon's Grandſon's Grandſon, it goes to her Huſband's Grandfather's Grandfather; if there be no Huſband's Grandfather's Grandfather, it goes to her Huſband's Grandfather's Father's Brother; if there is but One Brother of her Huſband's Grandfather's Father, he takes the whole; if there are ſeveral of her Huſband's Grandfather's Father's Brothers, they all receive equal Shares.

If there is no Brother of her Huſband's Grandfather's Father, it goes to her Huſband's Grandfather's Father's Brother's Son; if there is but One Son of her Huſband's Grandfather's Father's Brother, he ſhall take the whole; if there are ſeveral of her Huſband's Grandfather's Father's Brother's Sons, they ſhall have equal Shares.

If there is no Huſband's Grandfather' Father's Brother's Son, it goes to her Huſband's Grandfather's Father's Brother's Grandſon; if there is but One Grandſon of her Huſband's Grandfather's Father's Brother, he ſhall take the whole;

whole; if there are ſeveral of her Huſband's Grandfather's Father's Brother's Grandſons, they ſhall receive equal Shares.

If there is no Huſband's Grandfather's Father's Brother's Grandſon, it goes to her Huſband's Grandfather's Grandfather's Father; if there is no Huſband's Grandfather's Grandfather's Father, it goes to her Huſband's Grandfather's Grandfather's Brother; if there is but One Brother of her Huſband's Grandfather's Grandfather, he ſhall take the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Brothers, they ſhall receive equal Shares.

If there is no Huſband's Grandfather's Grandfather's Brother, it goes to her Huſband's Grandfather's Grandfather's Brother's Son; if there is but One Son of her Huſband's Grandfather's Grandfather's Brother, he ſhall take the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Brother's Sons, they ſhall receive equal Shares.

If there is no Huſband's Grandfather's Grandfather's Brother's Son, it goes to her Huſband's Grandfather's Grandfather's Brother's Grandſon; if there is but One Grandſon of her Huſband's Grandfather's Grandfather's Brother, he ſhall take the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Brother's Grandſons, they all ſhall receive equal Shares.

If there is no Huſband's Grandfather's Grandfather's Brother's Grandſon, it goes to her Huſband's Grandfather's Grandfather's Grandfather; if there is no Huſband's Grandfather's Grandfather's Grandfather, it goes to her Huſband's Grandfather's Grandfather's Father's Brother; if there is but One Brother of her Huſband's Grandfather's Grandfather's Father, he ſhall take the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Father's Brothers, they ſhall receive equal Shares.

If there be no Huſband's Grandfather's Grandfather's Father's Brother, it goes to her Huſband's Grandfather's Grandfather's Father's Brother's Son; if there is but One Son of her Huſband's Grandfather's Grandfather's Father's Brother, he ſhall take the whole; if there are ſeveral of her Huſband's Grandfather's Grandfather's Father's Brother's Sons, they ſhall receive equal Shares.

If there is no Huſband's Grandfather's Grandfather's Father's Brother's Son, it goes to her Huſband's Grandfather's Grandfather's Father's Brother's Grandſon; if there is but One Grandſon of her Huſband's Grandfather's Grandfather's Father's Brother, he ſhall take the whole; if there are ſeveral Grandſons of her Huſband's Grandfather's Grandfather's Father's Brother, they ſhall receive equal Shares.

If there is no Huſband's Grandfather's Grandfather's Father's Brother's Grandſon, it then goes to any One of her Huſband's Family who is the next near Relation; if there is no near Relation, it goes to One of diſtant Affinity.

If there is not any One of theſe, then the Magiſtrate ſhall obtain the Effects of the Wife of a *Chehteree*, a *Sooder*, or a *Bice:* And the Property of the Wife of a *Bramin* goes to the learned *Bramins* of the Village where that *Bramin* had his Reſidence; if there is no learned *Bramin*, the unlearned *Bramins* of that Village ſhall obtain it; if there are none of theſe alſo, then the *Bramins* of the Environs ſhall obtain it.

The Magiſtrate ſhall never aſſume the Property of the Wife of a *Bramin*.

Of

## *Of Inheriting from an unmarried Girl.*

When an unmarried Girl dies, her Property goes to her Brother by the ſame Parents; if there is but One Brother by the ſame Parents, he ſhall take the whole; if there are ſeveral Brothers by the ſame Parents, they ſhall all receive equal Shares.

If there is no Brother by the ſame Parents, it goes to her Mother; if there is no Mother, it goes to her Father; if there is no Father, it goes to her Brother by a different Mother; if there is no Brother by a different Mother, it goes to the Son of her Brother by the ſame Parents; if there is no Son of her Brother by the ſame Parents, it goes to the Son of her Brother by a different Mother.

If there is no Son of her Brother by a different Mother, it goes to her Brother's Grandſon; if there is but One Brother's Grandſon, he ſhall take the whole; if there are ſeveral of her Brother's Grandſons, they ſhall receive equal Shares.

If there is no Brother's Grandſon, it goes to her Grandfather (*i. e.* Father's Father) if there is no Grandfather, it goes to her Paternal Uncle; if there is but One Paternal Uncle, he ſhall take the whole; if there are ſeveral Paternal Uncles, they ſhall receive equal Shares.

If there is no Paternal Uncle, it goes to the Paternal Uncle's Son; if there is but One Paternal Uncle's Son, he ſhall take the whole; if there are ſeveral Paternal Uncle's Sons, they ſhall receive equal Shares.

If

If there is no Paternal Uncle's Son, it goes to her Paternal Uncle's Grandſon; if there is but One Paternal Uncle's Grandſon, he ſhall take the whole; if there are ſeveral Paternal Uncle's Grandſons, they ſhall receive equal Shares.

If there is no Paternal Uncle's Grandſon, it goes to her Grandfather's Father; if there is no Grandfather's Father, it goes to her Grandfather's Brother; if there is but One Brother of her Grandfather, he ſhall take the whole; if there are ſeveral of her Grandfather's Brothers, they ſhall receive equal Shares.

If there is no Grandfather's Brother, it goes to her Grandfather's Brother's Son; if there is but One Son of her Grandfather's Brother, he ſhall take the whole; if there are ſeveral of her Grandfather'sBrother's Sons, they ſhall receive equal Shares.

If there is no Grandfather's Brother's Son, it goes to her Grandfather's Brother'sGrandſon; if there is but One Grandſon of her Grandfather's Brother, he ſhall take the whole; if there are ſeveral of her Grandfather's Brother's Grandſons, they ſhall receive equal Shares.

If there is no Grandfather's Brother's Grandſon, it goes to her Grandfather's Grandfather; if there is no Grandfather's Grandfather, it goes to her Grandfather's Father's Brother; if there is but One Brother of her Grandfather's Father, he ſhall take the whole; if there are ſeveral of herGrandfather's Father's Brothers, they ſhall receive equal Shares.

If there is no Grandfather's Father's Brother, it goes to her Grandfather's Father's Brother's Son; if there is but One Son of her Grandfather's Father's Brother, he ſhall take the whole; if there are ſeveral of her Grandfather's Father's Brother's Sons, they ſhall receive equal Shares.

If there is no Grandfather's Father's Brother's Son, it goes to her Grandfather's Father's Brother's Grandſon; if there is but One Grandſon of her Grandfather's Father's Brother, he ſhall take the whole; if there are ſeveral of her Grandfather's Father's Brother's Grandſons, they ſhall have equal Shares.

If there is no Grandfather's Father's Brother's Grandſon, it goes to her Grandfather's Grandfather's Father; if there is no Grandfather's Grandfather's Father, it goes to her Grandfather's Grandfather's Brother; if there is but One Brother of her Grandfather's Grandfather, he ſhall take the whole; if there are ſeveral of her Grandfather's Grandfather's Brothers, they ſhall receive equal Shares.

If there is no Grandfather's Grandfather's Brother, it goes to her Grandfather's Grandfather's Brother's Son; if there is but One Son of her Grandfather's Grandfather's Brother, he ſhall take the whole; if there are ſeveral of her Grandfather's Grandfather's Brother's Sons, they ſhall have equal Shares.

If there is no Grandfather's Grandfather's Brother's Son, it goes to her Grandfather's Grandfather's Brother's Grandſon; if there is but One Grandſon of her Grandfather's Grandfather's Brother, he ſhall take the whole; if there are ſeveral of her Grandfather's Grandfather's Brother's Grandſons, they ſhall receive equal Shares.

If there is no Grandfather's Grandfather's Brother's Grandſon, it goes to her Grandfather's Grandfather's Grandfather; if there is no Grandfather's Grandfather's Grandfather, it goes to her Grandfather's Grandfather's Father's Brother; if there is but One Brother of her Grandfather's Grandfather's Father, he ſhall take the whole; if there are ſeveral of her Grandfather's Grandfather's Father's Brothers, they ſhall receive equal Shares.

If there is no Grandfather's Grandfather's Father's Brother, it goes to her Grandfather's Grandfather's Father's Brother's Son; if there is but One Son of her Grandfather's Grandfather's Father's Brother, he ſhall take the whole; if there are ſeveral of her Grandfather's Grandfather's Father's Brother's Sons, they ſhall receive equal Shares.

If there is no Grandfather's Grandfather's Father's Brother's Son, it goes to her Grandfather's Grandfather's Father's Brother's Grandſon; if there is but One Grandſon of her Grandfather's Grandfather's Father's Brother, he ſhall take the whole; if there are ſeveral of her Grandfather's Grandfather's Father's Brother's Grandſons, they ſhall receive equal Shares.

If there is no Grandfather's Grandfather's Father's Brother's Grandſon, it then goes to any One of the Family of the aforeſaid Girl's Father who is the next near Relation; if there is no near Relation, then One of diſtant Kindred ſhall obtain it.

If alſo there is no diſtant Relation, then the Magiſtrate ſhall aſſume the Effects of the unmarried Daughter of a *Chehteree*, a *Sooder*, and a *Bice:* And the Property of the unmarried Daughter of a *Bramin* ſhall be given to the learned *Bramins* of the Village where the aforeſaid Daughter had her Reſidence.

If there is no learned *Bramin* in that Village, it ſhall be given to the unlearned *Bramins* of that Village.

If there are no unlearned *Bramins* alſo, it ſhall be given to the *Bramins* of the Environs of that Village.

The

The Magiſtrate ſhall never aſſume the Property of the unmarried Daughter of a *Bramin.*

If, during the Life-time of a Girl deceaſed, any Perſon had entered into an Engagement to marry her, and that Perſon, or the Mother and Father of that Perſon had made that Girl any Preſent, that Gift ſhall revert again to the aforeſaid Perſon.

If, after Agreement to marry a Daughter to a particular Perſon, that Daughter be given in Marriage to another Perſon, then whatever Preſent, either in Money or other Articles, the Perſon firſt mentioned, or his Mother and Father, had given to the Girl, or whatever Gift any other of that Perſon's Family had preſented, on Account of the intended Marriage, ſuch Money and other Articles ſhall again revert to the Perſon aforeſaid.

## S E C T. V.

### *Of Perſons incapable of Inheritance.*

Whoever is born an Eunuch; whoever is expelled from his Tribe, his Relations and Kindred, for commiſſion of any Crimes; whoever is born Blind; whoever is Deaf from his Mother's Womb; whoever is an Idiot; whoever cannot diſtinguiſh between Good and Evil; whoever has no Principle of Religion; whoever is Dumb; whoever is born without Hand, or Foot, or Noſe, or Tongue, or Privy Member, or Fundament; whoever ſtrikes and beats his own Father, or who, after his Father's Death, performs not the *Seràdeh* (religious Offices to his Father's Memory) whoever is of ſuch a general ill Behaviour, as that his Relations and Partners refuſe to eat or drink with him, and who lives in conſtant commiſſion of thoſe Actions which

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are forbidden to his particular Tribe by the *Beids*; whoever is so incurably disordered, as that no Remedies have any Effect on him, and who, on Account of his Disorder, is never able to perform the *Serâdeh*, the *Poojeh*, and other religious Duties of this Kind; whoever is afflicted with a scrofulous Leprosy, or a Leprosy breaking-out in Boils, with a perpetual Discharge of Blood and Matter; Men afflicted with these Disorders, even after *Perâshchut* (or Recovery) shall remain incapable of Inheritance: And also, whoever wears the Disguise of a *Berhemchârry*, or a *Sinassee*, and so gains a Livelihood in a fraudulent Manner; whoever is seized with a *Gânsee Jikkheh*, or a Consumption, in which he brings up Blood mingled with Phlegm; whoever has professed himself a *Sinassee*; whoever procures his Subsistence by an unwarrantable Business or Profession; all or any of these Circumstances, here specified, incapacitate a Man for Inheritance.

But whoever shall supersede these Persons, in the Inheritance of bequeathed Property, must allow them Victuals and Cloathing; nevertheless the Man who has been expelled from his Tribe shall receive Nothing.

If the Sons of these People be totally free from all the Objections which have been stated above, they shall receive their Share of the Property left for Inheritance; nevertheless the Son of the Man expelled from his Tribe, who was born after such Expulsion, shall not receive any Share.

If there are unmarried Daughters of any of these, such Daughters shall be maintained in Victuals and Cloathing, until their Marriage.

And also to the Wives of these (if there are not unchaste) shall be allowed Victuals and Cloaths.

SECT.

## SECT. VI.

### *Of Property liable to Division.*

Of the Property of a Grandfather and a Father; and of ſuch Property as ariſes from a Partnerſhip Concern, and of whatever is given by a Relation of equal Affinity, indiſcriminately, that is, without ſpecifying the Name of any particular Perſon; as alſo of ſuch Gains as ariſe from the Joint Labour and united Efforts of Two, Four, *&c.* Perſons.

*** All ſuch Property is liable to Diviſion.

When Two or more Perſons are Co-Heirs, if any Gain is made upon the Common Stock, then the Perſons, by whoſe Labour or prudent Management ſuch Gain was produced, ſhall each receive a double Share; thoſe who did not join in the Plan or Execution of the Buſineſs ſhall each receive a ſingle Share.

*** According to the Ordinations of *Sirree Kiſhen Terkàlungkàr*, and *Gopaul Punchànun.*

When Two, Four or more Perſons are Partners, and One or Two of thoſe Partners acquire any Profit, each Partner ſhall receive a Share of it, proportionable to his Property in the Joint Stock; and thoſe who gained this Profit ſhall firſt divide the whole of it into equal Shares, and each take a ſingle Share; and then receive a Part of what remains, proportionable to their Share in the Common Stock.

*_* According to the Ordination of *Sewàrteh Behtàchàrige*, and *Jeimoot Bàhun*; and this Ordination is approved (or rather is cuſtomary in this Kingdom.)

If the Property of a Partnerſhip belongs wholly to One of the Partners, and the other Partner performs all the Labour of the Buſineſs, and makes a Profit upon that Property, ſuch Profit ſhall be divided equally between them.

If One Partner both riſks his Property and takes alſo his Share of the Labour of Buſineſs, and another Partner, without riſking his own Property, takes only his Share of the Trouble and Management of Affairs, then he who advanced his Property, and exerted his Efforts, ſhall receive a double Share; he who only contributed his Efforts ſhall receive a ſingle Share.

If a Man, without any Advance of Property, ſhould, by his own mere Diligence and Efforts, acquire any Profit, his Partners ſhall receive no Share of it.

## SECT. VII.

### *Of Dividing Property earned by the Science of the Shaſter, by the Art of Painting, Architecture, or other Arts of that Kind, on which a Profit may be gained.*

If any Perſon, without Employment of any Stock in Partnerſhip, by his own Efforts, in the Exertion of any Art, ſhould acquire any Profit, then, whichever of his Partners by Affinity hath a greater or equal Share of Knowledge with himſelf, he ſhall give to each of ſuch Partners a ſingle Share, and he ſhall appropriate a double Share to himſelf; and whichever of them has leſs Knowledge than he, or is wholly without Skill in any Art, ſhall not receive a Share.

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If any Perfon, who hath learnt any Art from his Father, his Grandfather, his Paternal Uncle, his Brother, or any Perfon in his own Family, fhould acquire any Profit by that Art, then whoever of the Family is totally unfkilled in any Art, or hath lefs Knowledge than he, fhall receive a fingle Share each; and whoever works for his own Subfiftence fhall take a double Share.

If One Perfon hath quitted his Partners by Affinity, for the Purpofe of learning any Art, and another Perfon of the Family, unfkilled in any Art, expends Part of his Property, in fupporting the immediate Dependants of the Abfentee, then he who went away, to improve himfelf in any Art, fhall take to himfelf a double Share of any Profit he may gain by that Art, and fhall give a fingle Share of it to the Perfon who fupported his Dependants in his Abfence; if thofe Dependants were fupported from the Joint Stock, he fhall not give any Thing.

If a Perfon learns any Art from a Stranger, and alfo receives Victuals and Cloaths from him, his Partners by Affinity fhall not receive any Share of the Profits he may gain by that Art.

## S E C T. VIII.

### *Of Dividing Property earned by a Man's Sons.*

If any Man acquires a Profit, upon employing his Father's or Grandfather's Property, he fhall give the Half of all his Gains to his Father; and if he hath not any Brothers, he fhall take the other Half himfelf; if he hath Brothers, he fhall take to himfelf a double Share of the remaining Half, and fhall give a fingle Share to each of his Brothers.

If

If any Perſon, without any Advance of Property, ſhould raiſe any Profit, he ſhall give the Half of it to his Father, and ſhall take to himſelf the other Half: His Partners by Affinity ſhall not receive any Share of it.

If any Perſon, upon employing his Brother's Property, ſhould acquire any Profit, of the whole of ſuch Profit, he ſhall give One Half to his Father, if his Father be a Man of Knowledge and Skill; and of the remaining Half, he who raiſed the Profit ſhall receive a double Share; and he whoſe Property was employed ſhall receive a ſingle Share; and thoſe who employed no Property ſhall not receive any Thing: If the Father be not a Man of Knowledge or Skill, he ſhall receive a double Share; and he who made the Profit ſhall alſo receive a double Share; and the Man whoſe Property was employed ſhall receive a ſingle Share.

## S E C T. IX.

### *Of Poſſeſſions Indiviſible,*

If a Man by Victory in War has made any Prize, it ſhall not be liable to be ſhared.

If a Man has received any Thing in the Houſe of his Wife's Father, no Share of it ſhall appertain to his Partners (or Relations.)

If a Man's Father or Mother, out of particular Kindneſs, hath given him any Thing, no Share of it ſhall appertain to his Partners (or Relations.)

If a Perſon, without Employment of the Joint Stock, and without equal Labour on the Side of his Partners (and excluſive of what a Relation of equal Affinity

Affinity may have given him) ſhould acquire any Profit, it is not liable to be ſhared by his Partners.

If a Father gives, by his own Choice, Land, Houſes, Orchards, and the Earnings of his own Induſtry, to One of his Sons, the other Sons ſhall not receive any Share of it.

Every Man ſhall take of the Water of a Pool, or of a Well, according to his Neceſſity: No Account is to be had of a greater or leſſer Share in this Article.

Exclusive of Glebe Land, if any other Property of a Father, or Grandfather, be not occupied, and One of the Partners by Affinity, without employing the Joint Stock, and excluſive of the Labour or Efforts of the other Partners, by Permiſſion alſo of the other Partners, entered upon ſuch Property, it ſhall not be divided into Shares; if, in the ſame Manner, by Permiſſion of the Partners, One of them occupies any Glebe Land of his Father and Grandfather, then he ſhall divide ſuch Glebe into Four Shares; and from thence he ſhall firſt take to himſelf One Share, and afterwards divide the Three remaining Shares equally between himſelf and his Partners.

In a Partnerſhip of Affinity, the Wearing-Apparel of each Partner, all the Neceſſaries of his *Sewàrree* (or travelling Equipage) the Ornaments worn about his Perſon, the Veſſels and Diſhes for Meat and Drink, that are in immediate Uſe, and the Slave Girl, whom he has the firſt deſtined for his *Hàràm*, excluſive of other Girls, and alſo the Carpets and Mats for ſitting and ſleeping, that are in conſtant Service, of theſe Things, if One Man expends a leſſer and another a larger Quantity, no Account ſhall be had of ſuch greater or leſſer Shares; and if, of theſe Things, there are not more in the Houſe than One for each Perſon, they ſhall all receive equal Shares.

The Place of *Poojeh*, that is of Worſhip, and the Place of *Jugg*, which has already been explained under the Article of *Jugg*, in the Section of a Woman's Property, is not liable to be ſhared: As alſo the *Tàgur*, or Idol of Adoration, is not liable to Diviſion.

The Space of Ground occupied by the Houſe-Drain, the Path left for the Paſſage of the Cattle, and the Path of the Great Gate of the Houſe, are not liable to Diviſion.

Whatever is immediately neceſſary to any Perſon is not liable to be ſhared: As for Inſtance, when Two, Four, &c. Perſons are Partners, One of them hires himſelf as a Servant, another becomes a *Pundit*, another a Painter, and, in this Manner, they all exerciſe different Profeſſions, then each of them ſhall take of what may be in the Houſe, according to the Occaſions of his own Profeſſion; if there is but One Article, they ſhall all take equal Shares of it; but if that Article be any Inſtrument belonging to the Calling exerciſed by any One of them, that Perſon ſhall take it, and ſhall give all his Partners their Proportion of the Price of it.

If, during the Life-time of a Father, all his Sons, either by Order of their Father, or even without Prohibition from their Father, make for themſelves Houſes and Gardens upon their Father's Land, if the Land ſo taken be in greater or leſſer Quantities, it is not liable to be ſhared; but if among theſe ſome have made, and ſome have not made, Houſes and Gardens, then it ſhall be divided into equal Shares.

SECT.

## SECT. X.

### *Of a Father's Dividing among his Sons the Property earned by himſelf.*

IF a Father divides among his Sons the Property earned by himſelf, he ſhall give it according to his own Choice; if it is not the Father's Choice, his Sons ſhall not have Authority to force him to ſuch a Diviſion.

IF a Father gives to his Sons, by his own Choice, a ſmall Share of the Property earned by his own Induſtry, and keeps a larger Portion to himſelf, he has the Power; alſo if, after expending what he reſerved for himſelf, he requires Food and Cloaths from his Sons, he ſhall have Power to take it.

IF a Father divides among his Sons the Property earned by himſelf, he ſhall divide it among all his Sons, by equal Shares; but if any One of the Sons hath been particularly dutiful to his Father, or hath a very large Family, or is incapable of getting his own Living, upon theſe Three Accounts, if he gives a larger Share to ſuch Sons than to the reſt, he has Authority for ſo doing.

IF a Father, inſtigated by Reſentment, or by a particular Fondneſs for the Mother of any One of his Sons, or by the Influence of any Fit of Sickneſs, divides the Property acquired by himſelf unequally among his Sons, ſuch Diviſion is not approved.

IF all the Sons go at once in a Body to their Father, jointly requeſting their reſpective Shares of his Fortune, in that Caſe, the Father ſhall give equal Shares

Shares of the Property earned by himſelf to the Son incapable of getting his own Living; to the Son who hath been particularly dutiful to him, and to the Son who hath a very large Family, and alſo to the other Sons who do not lie under any of theſe Three Circumſtances, in this Caſe, he ſhall not have Power to give to any One of them more or leſs than to the others.

If a Father has occupied any Glebe belonging to his Father, that was not before occupied, he ſhall not have Power to divide it among his Sons in unequal Shares, as in the Caſe of Property earned by himſelf.

## S E C T. XI.

### *Of a Father's Dividing among his Sons the Property left by his Father and Grandfather.*

If a Father deſires to divide among his Sons the Property of his Father and Grandfather, whenever he altogether deſpairs of having a Son by any One of his Wives, he may divide and give it to them at his own Choice; if he has Hope of a Son from any One Wife, he has not Authority to divide it.

If it be not the Father's Choice, the Sons have no Authority to take from him by Force their reſpective Shares of their Anceſtors Property; even if there is no Expectation that their Father ſhall ever have another Son, ſtill they have not Authority to take it.

If a Father, by his own Choice, divides among his Sons the Property of his Father and Grandfather, he ſhall take to himſelf a double Share, and ſhall give a ſingle Share to each of his Sons.

If a Father divides among his Sons the Glebe, Orchards, Houfes, Rents, Slave Girls, and Slaves of his Father and Anceftors, to the Son who hath a large Family, to the Son who is incapable of getting his own Living, to the Son who hath been particularly dutiful to his Father, and to all his other Sons, he fhall give it in equal Shares; he hath no Authority to give to fome more, to others lefs; and thefe Things alfo he hath no Power to fell, or to give away, without the Confent of his Sons.

A Father fhall not fo give away, or fell the Effects and Glebe belonging to himfelf, or to his Father and Anceftors, as that his immediate Dependants fhould be diftreffed for Want of Victuals or Cloathing; if, referving fo much as may be neceffary for the immediate Food and Cloaths of his Dependants, he fhould fell, or give away the reft of the Property, he has Authority fo to fell and give away.

If a Father, exclufive of the Glebe, the Rents, the Slave Girls, and the Slaves of his Father and Anceftors, divides the reft of their Property among his Sons, then, in the fame Manner as the Property earned by himfelf, in giving a Share to the Son who hath the large Family, to the Son who cannot get his own Living, and to the Son who hath been particularly dutiful, he has Power to give them a larger or a fmaller Share; if all the Sons in a Body defire their refpective Shares, then there fhall be no One Share, greater or lefs than another.

If a Father, at the Time of dividing the Property gained by himfelf, or that of his Father and Anceftors, among his Sons, parts the whole into Twenty equal Shares, and from thence gives One Share to his Eldeft Son, he has Authority to do fo; and he fhall then divide the other Nineteen Parts equally between his Eldeft and his other Sons.

If a Man, of the Tribe of *Sooder*, of his own Choice, gives an equal Share of his Property to the Son born of a Concubine, and to the Son born of a Wife, he has Power to do it.

If a Father ſhould die without having divided his Property, then, whatever Share the Son born of a Wife may receive, the Son born of the Concubine ſhall receive Half as much.

If there is no Son born of the Wife, nor Grandſon, nor Grandſon's Son, nor Wife, nor Daughters, nor Daughter's Son, then the Son born of the Concubine ſhall receive the whole Property.

If there is a Daughter's Son, he ſhall take an equal Share.

Whenever a Perſon gives a Share to his Sons, equal with the Share aſſumed by himſelf, to his Wife who hath neither Son, nor Grandſon, nor Grandſon's Son, and to whom hath been given nought of thoſe Things which conſtitute a Woman's Property, he ſhall give One Share, at the Computation of the Share of One Son; if any of thoſe Things that conſtitute a Woman's Property hath been given to the Wife, he ſhall give her at the Computation of Half the Share of One Son.

If he hath given a ſmall Share to his Sons, and hath reſerved a larger Part for himſelf, he ſhall then, from his own Share, give to the Wife above deſcribed One Share, at the Computation or Rate of the Share of One Son.

If a Father, being ſeparated from his Sons, hath divided his Property among them, according to the Ordinations of the *Shaſter*, and he alſo taking his own Share, according to the *Shaſter*, returns no more to live with his Sons, after-

wards

wards if he ſhould have another Son by the ſame Mother, this Son ſhall receive his Father's Share, and alſo whatever Acquiſition of Property his Father may have made after ſuch Separation.

If ſeveral Sons are born after this Separation, they ſhall all receive equal Shares; and theſe Sons ſhall pay whatever Debts their Father may have contracted after ſuch Separation..

The Sons who were firſt ſeparated from their Father ſhall not receive this latter Property, neither ſhall they pay their Father's Debts; and alſo the Son who was born after the Separation ſhall not receive from them any Share of the original Property.

*** This Ordination concerns ſolely the Property immediately acquired by the Father.

If a Father divides the Property of his Father and Grandfather among his Sons, according to the *Shaſter*; as for Inſtance, he takes to himſelf a double Share, and gives a ſingle Share to each of his Sons, afterwards another Son is born, then that Son ſhall receive from his Brothers an equal Share of the Property that was divided, and ſhall alſo receive, upon his Father's Death, an equal Share of that Part of the Property which remained in his Father's Poſſeſſion upon Diviſion.

When a Father ſeparates from his Sons, and gives to them their reſpective Shares of his Property, and alſo takes to himſelf his own Share, if at that Time the Mother of thoſe Sons be big with Child, the Son born after this Separation ſhall receive an equal Share from the Sons who are ſeparated; and they ſhall all receive equal Shares of all that may be their Father's Property; and they ſhall all contribute to pay any Debts which the Father may have contracted.

SECT.

## SECT. XII.

### *Of Sons Dividing the Property left by their Father.*

If a Man, having a Wife, and Sons born from that Wife, dies, or renounces the World, or gives up all his Effects, or is expelled from his Tribe and Relations, ſo long as that Wife lives, it is not a right and decent Cuſtom, that thoſe Sons ſhould ſhare, and receive among themſelves the Property left by that Perſon; if the Wife aforeſaid gives them Inſtructions accordingly, then the Sons have Authority to divide it: At the Time of Diviſion, if the Wife is deſirous to receive a Share, ſhe ſhall take One Share, at the Rate of the Share of One Son; if ſhe does not wiſh to have a Share, ſhe ſhall receive Victuals and Cloaths.

If a Man hath given to his Wife, or if the Father of that Man hath given to the Wife, ought of thoſe Things that conſtitute a Woman's Property, then the Sons of that Perſon, at the Time of ſharing his Property, ſhall give to their Mother, at the Computation of Half the Share of One Perſon; and to any other Wife of their Father, having neither Son, nor Grandſon, nor Grandſon's Son, they ſhall not give a Share, but ſhall give her Victuals and Cloaths.

*⁎* This Ordination is according to *Sewàrteh Behtàchàrige*, and *Sirree Kiſhen Terkàlungkàr*, and *Jeimoot Bàhun*, and is approved (or cuſtomary in this Kingdom.)

The Father's Wife, having neither Son, nor Grandſon, nor Grandſon's Son, ſhall receive an equal Share with that of the Son, according to the Ordinations of the *Pundits* of *Methilla*.

If

If all the Brothers of One Family, by their own Choice, live together, then the Elder Brother, taking upon himſelf the Command of the Family, ſhall, in Manner of a Father, lend his Aſſiſtance towards the Support and Education of his Younger Brothers; and the Younger Brothers alſo, conſidering their Elder Brother in the Light of a Father and Patron, ſhall demean themſelves conformably to his Pleaſure.

If the Elder Brother is unfit for the Management of Affairs, then whichever of the Brothers is moſt capable ſhall take the Burden of them all upon himſelf, and ſhall govern the Family.

To live together is the Reſult of the general Conſent of all the Partners, and to ſeparate ariſes from the Inclination of any One of them, therefore, if, in conſequence of the Inclination of One among them, they ſeparate and divide their Stock, the Share of any Perſon who is abſent, and the Share of him who is a Child, ſhall be reſerved for them, in ſome ſafe Place, that it may not be loſt or diminiſhed.

If all the Brothers, by their own Choice, ſelecting the Twentieth Part of Property above-mentioned, before the general Diviſion, preſent it to their Elder Brother, and then ſhare equally the remaining Nineteen Parts between the aforeſaid Elder Brother and the Younger Brothers, it may be done; if it be not the Choice of all the Brothers, and the Elder Brother makes demand of this Twentieth Part, he ſhall not have Power to take it.

If any Member of a Partnerſhip by Affinity gives up his Share, by his own Choice, and leaves his Partners, then the Partners aforeſaid, for the Sake of hindering all future Diſputes, that none of his Heirs might, at any diſtant Period,

riod, make any Demand, ſhall give ſomething to that Perſon, and take from him a written Acknowledgment.

At the Time that Partners by Affinity take their reſpective Shares of Property bequeathed them, it is neceſſary, that they diſcharge the Debts of the Man whoſe Eſtate they inherit; if they are unable to pay the Debts, they ſhall pacify the Creditor, and, taking their Share of the Property, give a Promiſe to pay the Debts hereafter, and ſhall pay accordingly, ſooner or later, according to their Shares; and if the Deceaſed had intended to give ought to any Perſon, they ſhall give that alſo, upon their aſſuming their Shares of the Property left to them.

Among Partners, if One Perſon has a very large Family, and the others have but ſmall Families, then the Men of ſmall Families, at the Time of ſharing the Property, ſhall not have Liberty to ſpeak to the Man of large Family, upon Account of the larger Quantity of Victuals and Cloaths expended, during the Time of their living together, but ſhall receive, in equal Shares, whatever is there collected.

If a Brother, or an unmarried Siſter, hath not yet performed the Ceremony of having the Ears bored, or of aſſuming the *Braminical* Thread, or of firſt taſting Salt, and the other Partners have all gone through theſe Duties, then the Partners, at the Time of dividing their Effects, ſhall give to theſe (excluſive of their Shares) whatever is neceſſary for the Expence of theſe Ceremonies, according to their Abilities, and ſhall then divide, in equal Shares, the reſt of the Property; if the whole Property is not ſufficient to anſwer the Expence of theſe Ceremonies, then the Partners above-mentioned ſhall reſpectively uſe their Endeavours, to acquire Sufficiency for the Performance of theſe Duties.

If a Grandfather dies, not leaving a Son, and the Grandſon makes Diviſion of his Effects, then the Wives of the Grandfather, if they take their Share of what he left, ſhall receive equal Shares with the Grandſon.

If they do not take their reſpective Shares, the Grandſon ſhall give them Victuals and Cloaths; if thoſe Wives have received what hath been deſcribed to be a Woman's Property, they ſhall receive a Share, at the Computation of Half the Share of the Grandſon.

## S E C T. XIII.

### *Of Dividing the Joint Stock of Perſons, who agree to live together, after the Original Diſperſion and Separation of the Family.*

When a Man, after Separation, reſumes again, upon a friendly Footing, his Connexion with his Father, his Brother, or his Paternal Uncle, and an Agreement is made between them, that, "My Property is yours, and your Property is mine," and this Agreement alſo, on both Sides, is made with upright Intentions, it is called *Sungſerſut-heh.*

*** The Meaning of *Sungſerſut-heh* is when, after a Separation, a freſh Connexion takes place.

Exclusive of thoſe Perſons above-mentioned, if a Man reſumes his Connexion with any other Perſon, ſuch Circumſtance is not called *Sungſerſut-heh.*

*** This

*,* THIS is according to the Ordination of *Jeimoot Bàhun*, and *Sewàrteh Behtàchàrige*, and is approved (or cuſtomary.)

BUT the *Pundits* of *Methilla* ſay, that when a Perſon, after Separation from any Relation whatever, reſumes his Connexion with him, ſuch a Circumſtance is called *Sungſerſut-heh.*

IF Two or more Brothers, after Separation, reſume again their Connexion, and then ſeparate the Second Time, they ſhall receive equal Shares of their Joint Effects.

IF a Man, after Separation, reſuming his former Connexion, hath in the mean Time acquired any Profit, by Dint of Science and Induſtry, or by Painting, or any other Art, from that Profit, he ſhall take to himſelf a double Share, and ſhall give to each of his Partners a ſingle Share.

IF a Father, after Separation from his Sons, reſumes his Connexion with One or more of thoſe Sons, and, after that Separation, the Father ſhould beget another Son, then the Sons who, after Separation, reſumed their Connexion, and every Son who was born after that Separation, after the Death of their Father, ſhall receive equal Shares, and ſhall, in equal Proportions, diſcharge the Father's Debts.

ALL thoſe Sons, who reſumed not their Connexion with their Father, have no Concern, either with the Effects of their Father or with the Payment of his Debts.

IF a Father, after Separation from his Sons, reſumes his Connexion with One or more of thoſe Sons, and, after that Separation, the Father ſhould beget

beget another Son, if the Father, after ſuch Separation, without the Efforts of his Sons, and without Employment of the Common Stock, ſhould acquire any Property, that Property, after the Death of the Father, ſhall be received by whatever Son was born after ſuch Separation; and the others, who again reſume their Connexion, ſhall not receive it.

If the Father, by Employment of the Common Stock, and by the Efforts and Labour of his Sons acquires any Property, it ſhall be divided by equal Shares.

And if the Father, for his own Purpoſes, contracts any Debt, the ſame Son who was born after the Separation ſhall diſcharge them.

## S E C T. XIV.

### *Of a Partner's receiving his Share of the Joint Stock, after a long Space of Time hath elapſed; alſo of the Inheritance of the Sons of a Woman of the Sooder Caſt, by Two different Huſbands; and alſo of adopted Sons.*

If One of the Partners by Affinity, before Separation, goes into another Kingdom, and there fixes his Reſidence, ſo that, after a long Elapſe of Time, either he, or his Son, or his Grandſon, or his Grandſon's Son, or any of his Deſcendants, ſhould come to the Partners by Affinity before-mentioned, and make demand of his Share, he ſhall bring the Men of Credit among his Neighbours, his Relations, or any others, to prove his Affinity to the Man who fixed his Reſidence in a foreign Kingdom, and ſhall receive his Share of Inheritance.

If a Woman of the *Sooder* Caſt, who hath borne a Son to her Huſband, ſhould take that Son with her, and go to live with another Man of the ſame Caſt, and while ſhe remains in the Houſe of this Second Perſon ſhould bear to him alſo a Son, then each Son that is born to either Man, after the Death of that Man, ſhall receive his particular Property.

If the Mother of theſe Sons ſhould die, then each Son ſhall ſeparately inherit whatever was given to his Mother by his own Father; and if the Mother had any other Effects, excluſive of what the Fathers gave, the Sons ſhall both receive equal Shares of it.

A Man, without Permiſſion of his Partners by Affinity, ſhall neither give away, nor ſell to any One the Joint Property: If he gives away or ſells a Part of it, at the Computation of his own Share, it is approved.

But if he gives, or ſells, or mortgages ſuch Property to a Man of fraudulent Principles, ſo that Loſs and Vexations ſhould accrue thereby to the Partners, the Man who thus gives away, ſells or mortgages ſuch Property, is to be accounted criminal.

*⁎* According to the Ordination of *Sewàrteh Behtàckàrige*, *Jeimoot Bàhun*, and *Sirree Kiſhen Terkàlungkàr*, and is approved.

If any Perſon, without Permiſſion of the Partners by Affinity, gives away, ſells or mortgages a Part of the Joint Property, on Computation of his own Share, it is approved; according to the Ordination of the *Pundits* of *Metkilla*.

If to a Man, who hath before patronized an adopted Son, a Son ſhould afterwards be born of his own Seed, after the Death of the Father, the adopted Son

Son ſhall receive a ſingle Share, and the begotten Son ſhall receive a double Share of his Property.

## S E C T. XV.

### *Of Dividing concealed Effects; and of rectifying unequal Diviſions; and of the Modes of ſettling the diſputed Shares of Partners.*

If any One of the Partners by Affinity, at the Time of ſharing and dividing their Property, concealed any Part of the Effects, and this Circumſtance ſhould afterwards appear, that Part ſhall then be divided equally among all not the other Partners, and the Man who concealed it.

But if any One of the Partners ſtill continues ſuſpicious, he ſhall undergo the *Purrikeh*, that is Ordeal for him; whoever is not ſuſpicious of him, he ſhall perform the *Purrikeh*.

If, at the Time of Diviſion of Joint Stock, the Partners by Miſtake ſhould have made an unequal Diſtribution, it is not approved.

He who received too large a Share, whenever the Miſtake is proved, ſhall divide equally among them all the Overplus of his proper Portion.

At the Time of Diviſion of Joint Stock, if One Perſon be a Child, and any One of the Partners fraudulently takes from the Share of that Child, to add to his own, when this Circumſtance comes to be proved, that Child ſhall receive from him the Balance of his Share.

If,

If, at the Time of Divifion of Joint Stock, all the Partners, by their own Free-Will, receive unequal Shares, fome more, fome lefs, and are afterwards defirous to have an adjufted Settlement of their Shares, they fhall not have the Power.

Every Kingdom has its own Cuftoms, and every Town has its own Cuftoms, fo every Tribe has its own Cuftoms; if, according to thofe Cuftoms, an unequal Divifion takes place, it is approved.

If the Mode of unequal Divifion has paffed regularly from Father and Anceftors, this alfo is approved.

If One Perfon of the Partners by Affinity fhould fay, that "Our Property has been fhared," and another fhould fay, that "It hath not been fhared," and upon fuch a Difpute they fhould refer their Claims to Arbitration, Firft, the Arbitrators fhall inquire the State of the Cafe, of the Men defcended from the fame Grandfather with the Plaintiff and Defendant, and who have formerly feparated from the Family.

If the Matter is not fettled by Inquiry from Perfons defcended from the fame Grandfather, they fhall next examine the Relations and Kindred of the Plaintiff and Defendant.

If it is not fettled by Examination of the Relations and Kindred of the Plaintiff and Defendant, they fhall next inquire and examine the Divifion Accounts; if there is no Divifion Account, then the Arbitrators fhall proceed to examine Circumftances, as whether the Expence and Income of the Plaintiff and Defendant be feparate and apart.

Whether

Whether their Agriculture and Trade be on either Side diſtinct and ſeparate.

If they are *Bramins*, whether One preſents the *Dàn*, and the other accepts the *Dàn*: (The *Dàn* is thus performed, they pronounce a certain Kind of Charm, or Incantation over any Thing, in the Wiſh of a happy Futurity, and give it as a Preſent to another Perſon:) Whether, between the Plaintiff and Defendant, a Pledge is depoſited by One Party, and accepted by the other.

Whether, on either Side, One be Witneſs for the other, or One be Security for the other.

Whether they perform the *Seràdeh Amàwus*; (that is, the Ceremonies of the laſt Night of the Lunar Month, which is called the Night of Darkneſs.)

And the *Seràdeh-nowànn*, which is thus performed, in the Month *Aghun*, yearly, they put together new Rice, Milk, Sugar, Candy, ripe Plantains, Sugar Cane, Yam, Cocoa-Nut, Ginger, and Sugar-Candy, and perform the *Fàteheh Buzurgwar*.

And the *Seràdeh Aperpukh*: (*Aperpukh* is when, before the Ten Days, called *Rozidus-hàreh*,* upon the Days of the *Shebbi Tareckee*,† (or Night of Darkneſs) which are Fifteen Days, ſometimes in the Month of *Bhàdun*, and ſometimes in the Month of *Aſſen*, they perform the *Fàteheh Buzurgwar*:) Whether they perform all theſe *Seràdehs* ſeparate and apart from each other.

 Then,

* The Days in which the pompous Worſhip and Burial of the *Hindoo* Deities are celebrated.

† Or Night of Darkneſs, ſo called, becauſe then the Moon ſhines only a ſmall Part of the Night.

Then, although there be no Witnefs, or Divifion Account, to prove the real State of the Cafe, if in thefe Ceremonies they act feparately, it is to be accepted as a Proof that a Divifion has before taken place.

## SECT. XVI.

### *Of Acquiring Right of Poffeffion in the Property of another, by Ufufruct.*

A Person who is not a Minor (a Man ceafes to be a Minor at Fifteen Years of Age) nor impotent and incapable, nor difeafed, nor an Idiot, nor fo lame as not to have Power to walk, nor blind, and who, on going before a Magiftrate, is capable of diftinguifhing and taking up his own Concerns, and who has not given to another Perfon Power to employ and apply to Ufe his Property, if, in the Face of fuch a Perfon, another Man applies to his own Ufe, for the Space of Twenty Years, the Glebe Land, or Houfes, or Orchards of that Perfon, without Let or Moleftation from him, from the Twenty-firft Year, the Property becomes invefted in the Perfon fo applying fuch Things to Ufe; and any Claim of the Firft Perfon above-mentioned upon fuch Glebe, Houfes or Orchards, fhall by no Means ftand good; but if the Perfon before-mentioned comes under any of the Circumftances herein before defcribed, his Claim in that Cafe fhall ftand good.

*** According to the Ordinations of *Sirree Kerràckàrige*, and *Pàlcck*, and *Jògue Lògue*, and *Bheb-deeb Bhèt*, and *Sool Pânee*, and *Chendcefur*, and *Sewàrteh Bektàchàrige*; and is approved (or cuftomary.)

A Person

A Person who is not a Minor, nor impotent and incapable, nor diſeaſed, nor ſo lame as not to have Power to walk, nor blind, and who, on going before a Magiſtrate, is capable of diſtinguiſhing and taking up his own Concerns, and who has not given to another Perſon Power to employ and apply to Uſe his Property, if, in the Face of ſuch a Perſon, another Man applies to his own Uſe, for the Space of Ten Years, the Gold and Silver, the Jewels, the Cloaths, the woven Silks, the Houſhold-Furniture, and Iron Inſtruments, and other Goods and Chattels of this Kind (excluſive of Glebe, Houſes and Orchards) belonging to that Perſon, without Let or Moleſtation from him, from the Eleventh Year, the Property becomes inveſted in the Perſon ſo applying ſuch Goods and Chattels to Uſe; and any Claim of the Firſt Perſon before-mentioned, for Poſſeſſion of any ſuch Goods and Chattels, ſhall by no Means ſtand good.

But if the Perſon before-mentioned comes under any of the Circumſtances herein before deſcribed, his Claim in that Caſe ſhall ſtand good.

*** According to the Ordinations of *Sirree Kerràchàr'ge*, and *Pàlcok*, and *Jògue Lògue*, and *Bheb-deeb Bhèt*, and *Socl Pânee*, and *Chendeeſur*, and *Sewàrteb Behtàchàrige*; and is approved.

If any Perſon hath occupied the Glebe, Houſes and Orchards, of another Perſon, and applied them to his own Uſe, and that Perſon, within the Space of Twenty Years, makes any Let or Moleſtation, then the Glebe, Houſes and Orchards above-mentioned, revert to the Perſon aforeſaid; but of the Produce of them, whatſoever the other Perſon has expended, he ſhall not receive any Thing.

Excluſive of Glebe, Houſes and Orchards, if any Perſon has entered upon, and applied to his own Uſe, any other Goods and Chattels belonging

to

to another Perſon, and that Perſon, within the Space of Ten Years, lays claim to thoſe Goods, then the Goods and Chattels ſo claimed ſhall revert to that Perſon; but if the other Perſon has made any Profit by thoſe Things, he ſhall not receive any of it.

If any of the original Effects be ſpoiled or expended, that Perſon ſhall make it good, and the Magiſtrate ſhall inflict upon that Perſon the ſame Puniſhment as upon a Robber.

Any Thing depoſited as a Pledge, any Thing committed to the Cuſtody of another, under Hand and Seal, any Thing intruſted to another by *Howàleh*: (*Howàleh* is when a Perſon, in friendly Confidence, intruſts to another his Glebe Land, Orchards, Houſes, Kine, Horſes, Elephants, Camels, and ſuch Kind of Cattle, as alſo his Houſhold-Furniture, and all his Goods and Chattels.)

Things intruſted in either of theſe Three Modes, if that Perſon, without Let or Moleſtation, has applied to his own Uſe, for a very conſiderable Length of Time, yet, when the Owner aforeſaid ſhall make demand for thoſe Things, he ſhall receive them: Theſe Kind of Things do not come under the Limitation of Twenty Years, and of Ten Years.

Suppose a Perſon, having applied to his own Uſe the Glebe Land, Orchards and Houſes of a Stranger, for the Space of Twenty Years, ſhould then die, and the Son of that Perſon alſo, for the like Space of Twenty Years, having applied the ſame to his own Uſe, ſhould then die, and the Grandſon of that Perſon likewiſe, having applied the ſame to his own Uſe, for the like Space of Twenty Years, and ſhould then die, the Glebe Land, Houſes and Orchards above-mentioned, are applied to Uſe, by the Son of the Grandſon of that Perſon.

In this Cafe, while the Property paffed through Three different Poffeffors, for the Space of Sixty Years, if the right Owner of the Glebe Land, Houfes and Orchards before-mentioned, through Inattention and Ignorance, hath attempted no Let or Moleftation, in the Sixty-firft Year, the Claim of the Defcendants of that Owner fhall by no Means ftand good; the Glebe, Houfes and Orchards above-mentioned, fhall remain in Poffeffion of the Perfon who has applied them to Ufe.

Suppose a Perfon, having applied to his own Ufe the Glebe, Houfes and Orchards of a Stranger, for the Space of Sixty Years, through Inattention and Ignorance of the rightful Owner, fhould die, or if he and his Son together, having applied them to Ufe, for Sixty Years, fhould then die, and his Grandfon alfo enjoys the prefent Ufe of fuch Property, in this Cafe, if the rightful Owner, or the Defcendants of the rightful Owner, even after this Term of Sixty Years, put in their Claim, or caufe any Let or Moleftation, then the Glebe, Orchards and Houfes aforefaid, fhall revert to fuch Owner, and to the Defcendants of fuch Owner; and the Man who applies them to Ufe fhall not retain Poffeffion of them.

Suppose a Perfon, having applied to his own Ufe, for more than Twenty Years, the Glebe, Orchards and Houfes of a Stranger, fhould then die, and the Son of that Perfon alfo, having applied the fame to his own Ufe, for a lefs Space of Time than Twenty Years, fhould then die, and his Grandfon alfo, having applied the fame to his own Ufe, for Twenty Years, fhould then die, in this Cafe, if the Property has paffed through Three different Poffeffors, who, having applied it to Ufe, for the Space of Sixty Years, are fince dead, yet the Son of his Grandfon fhall not receive that Glebe, but it fhall go to the original Owner.

If Two Perſons poſſeſs ſeparate Writings, as a Bill of Sale, a Deed of Gift, or a Mortgage, all properly authenticated, to entitle them to the ſame Thing; as for Inſtance, One Perſon has a Bill of Sale, or a Deed of Gift, and the other has a Mortgage, and the ſame Date ſhould be upon the Deeds of both Claimants, or by Accident the Date happens to be obliterated, ſo that it cannot be aſcertained which Inſtrument is prior to the other.

In that Caſe, the Property before-mentioned ſhall belong to that Perſon, who, in Sight of the Perſon poſſeſſing the other Deed, without Let or Moleſtation from him, has appropriated and applied that Property to his own Uſe.

Such Property ſhall not go to the Man, who, not having appropriated or applied it to his own Uſe, hath not attempted any Let or Moleſtation to the other Perſon.

If it hath not been applied to Uſe by either of them, they ſhall both divide and receive equal Shares of it.

*** According to the Ordinations of *Pàcheſhputtee Miſr*; and is approved.

*Helàyoodeh* ſpeaks to this Effect, *viz.* That he who poſſeſſes a Mortgage ſhall receive a ſmall Share, and he who poſſeſſes a Bill of Sale, or a Deed of Gift, ſhall receive a larger Share.

If the Path to and from a Houſe, or the Space of Ground occupied by the Houſe-Drain of One Perſon, be in the Territories of another Perſon, that Perſon, who always hath paſſed to and fro, ſhall continue ſo to do; the other Perſon aforeſaid, though he hath a Right of Property in the Ground, and hath

hath an attefted *Sunnud* thereof, fhall not have Authority to caufe him any Let or Moleftation.

When Two Perfons, between whom a Difpute hath arifen, refer it to Arbitration, the Arbitrators, at the Time of Examination, fhall efteem Witneffes of more Validity than Opinion; and if there be any Writing produced, they fhall give more Credit to that Writing than to Witneffes.

Suppose Two Perfons fhould quarrel about the Right of Property in certain Glebe Lands, or Houfes, or Orchards, and One of them fhould produce a written Deed, the other (after that the Property in Difpute has been occupied for the Space of Sixty Years, by Three following Poffeffors, who are now dead) is the Fourth Perfon now in Poffeffion of fuch Property.

In that Cafe, the Poffeffion of Three Perfons in Succeffion is of more Validity than the Writing.

The Perfon who is in prefent poffeffion fhall obtain the Property of fuch Glebe Land, or Houfes, or Orchards; and the Claim of him who produces the written Deed fhall not be heard.

If a Man has for a long Time applied to his own Ufe the Effects of a Magiftrate, or of a Magiftrate's Servants, or the Effects of his Wife's Father, or the Effects of his Wife, or the Effects of his Daughter's Hufband, or the Effects of a *Reyot*, or the Effects of a Man defcended from the fame Grandfather with himfelf, or the Effects of his intimate Friend, or the Effects of his Maternal Uncle, or Sifter's Son, or Paternal Uncle's Son, or fuch Kind of near Relations and Kindred, it is not approved (*i. e.* it fhall not enfure him the Property of them:) And if a *Bramin*, who hath read the *Beids*, fhould, for any confiderable Time, apply to his own Ufe any Perfon's Property, it is not approved.

CHAP.

## C H A P. III.

### *Of Bubhàr*, that is, *of Justice.*

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## S E C T. I.

### *Of the Forms of administering Justice.*

If a Person brings a Complaint before a Magistrate, in the Name of another, the Magistrate shall make a thorough Investigation of the Affair; otherwise

otherwiſe he ſhall by no Means of himſelf ſend for the Complainant, and cauſe him to bring on his Complaint.

If any Perſon goes to an Arbitrator of Diſcernment, for the Purpoſe of diſtinguiſhing the Nature of his own Cauſe, the Arbitrator alſo may make ſuch Inveſtigation.

When an Arbitrator of Diſcernment hears any Affair, he ſhall firſt demand of the Plaintiff, "What is your Claim?" The Plaintiff ſhall then relate his Claim: Afterwards he ſhall demand of the Defendant, "What Anſwer do you return in this Caſe?" The Defendant alſo ſhall then repeat his Anſwer, upon thus having heard the Accounts of both Plaintiff and Defendant. He who thoroughly inveſtigates the Nature of the Affair is called an Arbitrator of Diſcernment, and ſuch an Arbitrator as this ſhall be choſen.

A Magistrate, at the Time of Examination, ſhall have near him a Man of Knowledge and Diſcernment, and Officers tried by his own Experience, and a learned *Bramin*, and ſhall then examine the Caſes of the Plaintiff and Defendant.

If a Magiſtrate, for any particular Reaſon, cannot himſelf examine a Cauſe, he ſhall delegate a learned *Bramin* as Examiner; if there is no learned *Bramin*, he ſhall delegate a learned *Chehteree*; if there is no learned *Chehteree*, he ſhall delegate an intelligent *Bice* as Examiner; if there is no intelligent *Bice*, he ſhall delegate an unlearned *Bramin* as Examiner; he ſhall never delegate a *Sooder* as Examiner upon the *Sheertee* of the *Shaſter*, or *Beids* of the *Shaſter*: Whoever, ſitting aſide a *Bramin*, conſtitutes a *Sooder* Arbitrator, in any Affair of the *Shaſter*, the Poſſeſſions and Property of ſuch a Man are ruined and diſſipated: If a *Sooder* examines any Affairs of the *Sheertee* of the *Shaſter*, he ſhall pay a Fine to the Magiſtrate of Two Thouſand *Puns* of *Cowries*.

If a learned Man is present when an Affair is examined before a Magiſtrate, although the Magiſtrate ſhould not delegate him as Examiner, yet he has the Liberty of uttering his Sentiments to the Caſe in Point.

Whoever conſiders in the ſame Light his Friends and his Enemies, and is knowing in the *Beids* of the *Shaſter*, and in the *Sheertee* of the *Shaſter*, and is a Man of Honour, and a Speaker of Truth, to ſuch learned *Bramins* as theſe the Magiſtrate ſhall give Money, and every Token of Reſpect and Conſideration in the Judgment-Seat, to have them near him; but he ſhall not retain fewer than Ten of ſuch *Bramins*.

The Magiſtrate, having employed the firſt Four *Ghurries* of the Day in bathing and praying, and having paid due Adorations to his Deity, ſhall ſit upon the Judgment-Seat, to ſettle Affairs, the Space of One and a Half *Pauſs*; at this Rate, the Bench will break up after the Second *Pauſs* of the Day.

If an Affair is not properly examined, or is decided unjuſtly, the Fault is divided into Four Shares, and falls upon Four Parties, One Share upon the Plaintiff or Defendant, whichever of them was the Cauſe of the improper Examination or Deciſion; and One Share falls upon the learned *Bramins* who partook of the improper Examination or Deciſion; and One Share to the Witneſs who gave in falſe Evidence: If the Examination is proper, the good Reſult of it is, that whatever Part of the Fault belongs to the Magiſtrate, and to the reſt of thoſe who were preſent upon the Bench, and partook of the Examination, all this Fault goes to the Perſon who made a futile and groundleſs Complaint.

If ſeveral Perſons, at the ſame Time, make a Complaint to a Magiſtrate, or Arbitrator, then the Magiſtrate, or Arbitrator, at the Time of Inveſtigation,

gation, ſhall firſt examine the Cauſe of him who has ſuffered the moſt Detriments; if the Cauſes of all the Complainants are equal, he ſhall then examine the Affair of him who is of the moſt honourable Tribe; if all the Complainants are of equal Tribes, and their Cauſes alſo of equal Conſequence, then the Suit of him who firſt complained ſhall be firſt examined.

At the Time that the Plaintiff and Defendant are preſent before the Magiſtrate, or Arbitrator, then that Magiſtrate, or Arbitrator, ſhall take a Man of Reſponſibility and Property as Bail or Security for ſuch Plaintiff or Defendant; if either the Plaintiff or Defendant are unable to give ſuch Security, a *Peiàdàc*, or Guard, ſhall be appointed for both of them, and, in the Evening, the Plaintiff and Defendant ſhall give to that *Peiàdàc Cowries* ſufficient for the Day's Subſiſtence.

## S E C T. II.

### *Of Appointing a Vakeel (or Attorney.)*

If the Plaintiff or Defendant have any Excuſe for not attending the Court; or for not pleading their own Cauſe, or, on any other Account, excuſe themſelves, they ſhall, at their own Option, appoint a Perſon as their *Vakeel*; if the *Vakeel* gains the Suit, his Principal alſo gains; if the *Vakeel* is caſt, his Principal is caſt alſo.

In a Cauſe where the Accuſation is for Murder, for a Robbery, for Adultery, for eating prohibited Food, for falſe Abuſe, for thruſting a Finger into the *Pudendum* of an unmarried Virgin, for falſe Witneſs, or for deſtroying any Thing, the Property of a Magiſtrate, a *Vakeel* muſt not be appointed to plead and anſwer in ſuch Caſes; the Principals ſhall plead and anſwer in Perſon;

but

but a Woman, a Minor, an Idiot, and he who cannot diſtinguiſh between Good and Evil for himſelf, may, even in ſuch Cauſes as theſe, conſtitute a *Vakeel.*

Except the Brother, Father and Son of the Plaintiff and Defendant, if any other Perſon, at the Time of Trial, ſhould abet, and ſpeak for either Party, the Magiſtrate ſhall exact a Fine from him: If a Brother, a Father, a Son, or a *Vakeel*, ſhould aſſiſt, and ſpeak for either Party, it is allowed.

## S E C T. III.

### *Of not Apprehending an accuſed Party.*

If a Perſon is employed in celebrating a Marriage, at that Time, neither a Creditor, nor any other Perſon for his own Concerns, ſhall apprehend and ſeize him: If the Creditor, or any other Perſon, ſhould make complaint againſt him before a Magiſtrate, the Magiſtrate alſo, during the Term of the Marriage Feſtivals, ſhall not have Power to ſeize him.

If a Perſon, in a Fit of Sickneſs, until his Recovery, neither his Creditor, nor any other Perſon for his own Concerns, ſhall have Power to apprehend and ſeize him: If the Creditor, or any other Perſon, during ſuch Sickneſs, makes complaint in his Name, the Magiſtrate alſo, during his Diſorder, ſhall not apprehend him.

If a Man is employed in the *Jugg*, the *Poojeh*, the *Dàn*, or any ſuch religious Duties, until he finds Reſpite from thoſe Offices, neither his Creditor, nor any other Perſon upon his own Concerns, ſhall have Power to apprehend and ſeize him;

him; if a Complaint is lodged againſt him before a Magiſtrate, the Magiſtrate alſo ſhall not apprehend him during that Period.

If any Perſon is appointed *Vakeel* to plead or anſwer in any Suit, until he is releaſed from ſuch Appointment, neither his Creditor, nor any other Perſon for his own Concerns, may have Power to apprehend and detain him; if a Complaint is lodged againſt him before a Magiſtrate, the Magiſtrate alſo ſhall not apprehend him.

If any Perſon is employed, in the Magiſtrate's Preſence, upon ſuch Magiſtrate's Affairs, until he is releaſed from the Magiſtrate's Buſineſs, neither his Creditor, nor any other Perſon for his own Concerns, ſhall have Power to apprehend or ſeize him; if a Complaint is lodged againſt him before a Magiſtrate, that Magiſtrate alſo ſhall not apprehend him.

If any Perſon is employed in feeding his Kine, or Buffaloes, or Goats, or Sheep, or ſuch Kind of domeſtick Animals, until he is at Leiſure from ſuch Occupation, neither his Creditor, nor any other Perſon for his own Concerns, ſhall have Power to apprehend and detain him; if the Creditor, or any other Perſon lodges a Complaint againſt him, the Magiſtrate alſo, during that Period, muſt not apprehend him.

If any Perſon is employed in watching his Tillage, until he returns from thence, neither his Creditor, nor any other Perſon for his own Concerns, may have Power to apprehend and detain him; if a Complaint is preferred againſt him before a Magiſtrate, the Magiſtrate alſo ſhall not apprehend him during that Period.

If any Perſon is employed as a Painter, a Carpenter, a Builder, or in other Works of this Kind, until he is at Leiſure from ſuch Buſineſs, neither his Creditor,

ditor, nor any other Perſon for his own Concerns, ſhall have Power to apprehend and detain him; if a Complaint is preferred againſt him before a Magiſtrate, the Magiſtrate alſo, during that Period, ſhall not apprehend him.

If any Perſon is engaged in War, until the War is determined, neither a Creditor, nor any other Perſon for his own Concerns, ſhall at that Time apprehend and detain him; if his Creditor, or any other Perſon, during that Period, prefers a Complaint againſt him before a Magiſtrate, the Magiſtrate alſo ſhall not apprehend him.

If any Perſon is employed as a Meſſenger, until he returns, neither his Creditor, nor any other Perſon for his own Concerns, may have Power to apprehend and detain him; if a Complaint is preferred againſt him before a Magiſtrate, the Magiſtrate alſo, until he returns from the Execution of his Meſſage, may not apprehend him.

If a Perſon is a Minor, his Creditor may not apprehend him; and if the Creditor makes complaint againſt him before a Magiſtrate, the Magiſtrate alſo ſhall not have Power to apprehend him.

If a Seaſon of Scarcity or Calamity ſhould happen to any Kingdom or Town, until the Calamity is ceaſed in that Kingdom or Town, a Perſon for his own Concerns ſhall not have Power to apprehend and detain another; if a Perſon on his own Concerns makes Complaint before a Magiſtrate, the Magiſtrate alſo may not apprehend a Perſon during that Period.

If any Perſon, having a Claim on another, hath preferred his Complaint, the Perſon ſued muſt anſwer the Suit, and ſettle the Claim, before he can commence a Suit againſt the other; if he makes a Complaint, the Magiſtrate ſhall exact a Fine from him, but his Suit ſhall not drop.

If

If any Perſon has made a Complaint againſt another, as that, "Such a Perſon has traduced my Character, or has threatened me," in that Caſe, if the Complainant had firſt traduced, or threatened the other, the latter, without anſwering the Suit brought againſt him, may prefer a Complaint againſt the other for Abuſe, or for Threats.

If any Perſon hath firſt abuſed another, or threatened him, after that, if the Second ſhould abuſe or threaten the Firſt, he is not amenable; but he who firſt abuſed, or threatened the other, ſhall be fined by the Magiſtrate.

If a Perſon, to procure a Man's Death, ſhould ſet his Houſe on Fire, or cauſe him to take Poiſon, or endeavour to aſſaſſinate him, or ſhould ſeize his Wife, and carry her away with him, or plunder and take away all his Effects and Grain, if the other ſhould deprive ſuch a Man of Life, he is not amenable: If a *Bramin* ſhould commit ſuch Crimes as theſe above-mentioned, his Life ſhall not be taken away; but if ſuch a *Bramin* ſhould come with Intent to murder another, and that Perſon has no Means of eſcaping, and cannot ſave his own Life, but by the Death of the *Bramin*, in that Caſe, if he ſhould even kill the *Bramin*, the Magiſtrate ſhall not take a Fine from him: Alſo, if a Cow ſhould attempt to kill any Perſon, and there is no Way of eſcaping, that Perſon may kill the Cow, for the Preſervation of his own Life, and, in this Caſe, he ſhall not be amenable.

If Two Perſons mutually abuſe each other, or give Blows to each other, and the Abuſe and Threats are equal on both Sides, the Magiſtrate ſhall exact from each of them an equal Fine.

If any Perſon firſt abuſes another, or gives him Blows, and afterwards the other returns him more Abuſe, and a greater Number of Blows, the Magiſ-
trate

trate ſhall exact a Fine from both of them; but he who firſt proceeded to Violence ſhall pay the largeſt Fine.

## S E C T. IV.

### *Of Giving immediate Anſwer to a Complaint.*

If a Perſon brings a Suit againſt another for the Murder of a Man, in that Caſe, the Accuſed, at the Time of appearing before a Magiſtrate, ſhall immediately, upon the Spot, give his Anſwer to this Affair; he may not be allowed any Time in giving his Anſwer.

If any Perſon is apprehended on Account of a Robbery, that Perſon, at the Time of appearing before a Magiſtrate, or Arbitrator, ſhall give immediate Anſwer to this Affair, and ſhall not be allowed any Delay in ſpeaking.

If any Perſon accuſes another for falſe and ſcandalous Abuſe, the Accuſed, when he comes before a Magiſtrate, or Arbitrator, ſhall immediately give his Anſwer, and not be guilty of any Delay.

If any Perſon is apprehended upon an Affair concerning a Cow that produces Milk, he ſhall not be allowed any Procraſtination in his Anſwer, but ſhall ſpeak his Defence immediately.

On an Accuſation for drinking Wine, a Man muſt not make any Delay in giving his Anſwer, he ſhall anſwer immediately to ſuch an Affair.

If a Man is apprehended, on a Complaint, for criminal Converſation with any of his Father's Wives, excluſive of her who bore him, in ſuch a Caſe, he ſhall not make delay in returning his Anſwer, but ſhall immediately anſwer to the Point.

If any Perſon makes complaint againſt another, that, "Such a Perſon has deſtroyed ſome very valuable Goods of mine," in ſuch an Affair, the Accuſed ſhall not make any Procraſtination in his Anſwer; he ſhall anſwer immediately to the Point.

If any Perſon has called a modeſt Woman unchaſte, and the Woman or her Huſband ſhould make complaint to a Magiſtrate, whenever the Perſon accuſed appears before the Magiſtrate, or Arbitrator, he ſhall, upon the Spot, anſwer to the Complaint, and make no Delay.

If Two Perſons quarrel for Poſſeſſion of a Slave Girl, and both of them ſhould ſeparately aſſert the Girl to be their own Property, and One of them makes complaint againſt the other before a Magiſtrate, that Perſon ſhall directly give his Anſwer, and ſhall make no Delay.

In all other Cauſes, except ſuch as have been before-mentioned, the Defendant may require ſome Delay to give in his Anſwer; but the Accuſer ſhall in no Cauſe make any Delay in his pleading.

If either the Plaintiff or Defendant, being terrified, are unable to give immediate Anſwer, then, according to the Nature of the Affair, a Time ſhall be appointed them for giving in their Anſwer; if at the Time appointed they are unable, either by ſome Calamity of the Seaſon, ſome Innovation of the Magiſtrate, to give their Anſwer, they are not blamable; but they ſhall be

 held

held to prove ſuch Calamity of the Seaſon, or Innovation of the Magiſtrate; if they cannot produce this Proof, they ſhall incur Blame; and on the Time appointed, if they, with any fraudulent Intent, do not give in their Anſwer, the Magiſtrate ſhall make them amenable, and they ſhall be caſt in that Cauſe.

## SECT. V.

### *Of Plea and Anſwer.*

When the Plantiff and Defendant come before the Magiſtrate, or Arbitrator, the Plaintiff at that Time ſhall give an Account of the Circumſtances of his Plea, in ſuch a Manner, that the Words be few and the Meaning extenſive, and that no Doubt of the Senſe of his Speech may ariſe in the Minds of any of the Audience, and that the firſt and laſt Parts of his Plea be well connected and conſiſtent, and the Cauſe of the Diſpute ſhall be therein explained, and the Reaſon why the Defendant ſhould be caſt; in the ſame Manner alſo the Defendant, after Concluſion of the Plaintiff's Plea, ſhall return his Anſwer.

If the Plaintiff gives, in Writing, to the Magiſtrate, or Arbitrator, a Statement of his Caſe, he ſhall write that Statement alſo, in the ſame Manner that hath been above directed; and the Defendant alſo ſhall write his Anſwer after the ſame Mode.

If the Plaintiff hath delivered in a written Statement of his Suit, until the Defendant gives in his written Anſwer, the Plaintiff may take back his Repreſentation, to alter what may be too full, or too conciſe, in ſome Places, and give in a freſh corrected Writing; but if the Defendant hath delivered in his written Anſwer, the Plaintiff may not correct and rewrite what may be too copious, or too contracted of his original Plea.

When

When the Plaintiff, or Defendant, writes his Plea or Anſwer, it ſhall be written with his own Hand; if he is unable to write, he ſhall cauſe it to be written by another: If the Plaintiff or Defendant ſhould give one Explanation of his Caſe, and the Copyiſt ſhould ſtate it another way, that Copyiſt ſhall receive the ſame Puniſhment as a Robber.

In a Cauſe concerning Property, if the Plaintiff or Defendant ſhould be guilty of a Miſtake or two in the Courſe of his Pleading, he ſhall not, upon that Account, loſe his Suit, but the Magiſtrate ſhall fine him.

If a Perſon complains againſt another, that, "Such a Perſon has kicked me on the Head," and it ſhould afterwards appear that he has not kicked him on the Head, but has ſtruck him with his Fiſt, that Perſon is condemned in that Suit, and he ſhall become amenable to the Magiſtrate.

When the Plaintiff urges his Plea, the Defendant muſt anſwer regularly, according to the Plea, and not deviate from the immediate Subject of the Suit.

After Suit begun by the Plaintiff, if the Defendant ſhould abſcond, after an Abſence of One Month and an Half, he ſhall be caſt.

After Suit begun by the Plaintiff, if the Defendant delays to anſwer beyond Seven Days, he ſhall be caſt; if an appointed Day for Anſwer be given him, and he does not give his Anſwer in the Time of that Appointment, he ſhall be caſt.

If the Plaintiff urges his Plea, and the Defendant denies it, in that Caſe, when the Plaintiff, by producing Witneſſes, can prove his Suit, the Defendant ſhall be caſt.

## SECT. VI.

### *Of Two Sorts of Anſwer, proper and improper.*

THAT is a proper Anſwer, when, after Statement of the Plaintiff's Plea, upon the Defendant's giving in his Anſwer, he weighs his Words with ſuch Nicety, that they comprehend the whole of his Meaning, and no Doubt ariſes in the Audience from his pleading, and the firſt and laſt Parts of his Speech are well connected and conſiſtent, and he explains himſelf in ſo clear and perſpicuous a Manner, that every Perſon underſtands him.——— This is called a proper Anſwer.

THAT is an improper Anſwer which does not regularly take up the Aſſertions of the Plea; as for Inſtance, when the Plaintiff gives a full and copious Statement of his Caſe, and the Defendant makes a contracted, defective Anſwer, or when the Plaintiff's Plea is conciſe, and the Defendant's Anſwer prolix; when there is a Difference and Inconſiſtency between the firſt and laſt Parts of the Anſwer, and when it is confuſed and varied, ſo as not to be intelligible.———This is called an improper Anſwer.

THE Two Modes of Anſwer, that have been explained above, are compoſed of Four Diſtinctions, *viz.*

*Firſt. Mut-hooter.*

*Second. Shumpertee-putt.*

*Third. Pertubbiſh Gunden.*

*Fourth. Perrànek Neeày.*

*Firſt.*

*First. Mut-booter*, that is, an Anfwer denying the Plea.

*Mut-hooter* has Four Diftinctions.

*First.* WHEN the Plaintiff brings in a regular Bill, and the Defendant fays, " Your Plea is falfe."

*Second.* WHEN the Plaintiff brings in a regular Bill, and the Defendant fays, " I know Nothing of the Matter."

*Third.* WHEN the Plaintiff brings in his Suit, as, " In fuch a Year, I depofited fuch Goods in your Hands, or lent you fuch a Sum," the Defendant anfwers, " In that Year, I was not yet born."

*Fourth.* WHEN the Plaintiff brings in a regular Suit, that, " In fuch a Year, in fuch a Place, I depofited certain Goods in your Hands, or lent you a Sum of Money," the Defendant anfwers, that, " In the Year fpecified, I never was at the Place you mention," upon Anfwer being given in thefe Four Methods, the Proof of the Plea refts with the Plaintiff.

*Second. Shumpertee-putt* is when a Man producing Claim upon another, the Perfon anfwers, " I confefs that the Subject of your Claim is in my Poffeffion," in this Cafe, there is no Need of Writing or Witneffes.

*Third. Pertubbifh Gunden* is when a Man producing a Claim upon another, the Perfon anfwers, " I acknowledge the Juftice of your Claim," but at the fame Time, if he has it not in his Power to make good the Subject of the Claim, he fhould fo exprefs himfelf: *Pertubbifh Gunden* alfo admits of Three Diftinctions: As,

1*ſt*. WHEN a Man produces a Claim againſt another, ſaying, that, "You owe me a Debt of One Hundred *Rupees*," the Perſon anſwers, "I confeſs to have borrowed One Hundred *Rupees* of you, but I have repaid them," in ſuch Caſe, the Proof of the Affair reſts with the Claimant.

2*d*. WHEN One Man ſays, "Such a Piece of Ground belongs to me by Inheritance from my Father and Anceſtors," and another Perſon alſo affirms of the ſame Piece of Ground, that, "It belongs to me by Inheritance from my Father and Anceſtors," in this Caſe, the Proof of the Affair reſts with the Firſt Claimant; and if he is unable to produce Proofs, the Second Claimant ſhall then aſcertain and prove his Title to the Ground in Queſtion.

3*d*. WHEN Two Perſons lay claim to the ſame Parcel of Land, One ſaying, "This Ground belongs to me by Inheritance from my Father and Anceſtors," the other replying, "I have applied to my own Uſe this Piece of Ground, for the Space of Ten Years, and of Right it belongs to me," in this Suit, the former Claimant is held to prove the Inheritance derived from his Father and Anceſtors; if he can prove this Point, then the Cauſe muſt be referred to the Chapter of the *Daye Bhàg*, for conſidering the Time of the Uſufruct, which is explained in the Section of Acquiring a Property in the Poſſeſſions of another.

4*th*. *Perrànek Neeày* is when a Man, upon loſing his Cauſe before a Magiſtrate, or Arbitrator, ſays, that, "My Opponent, in this Affair, was formerly caſt upon a Trial before ſuch an Arbitrator, and I gained my Suit," in ſuch Caſe, he who affirms to have had a Verdict in his Favour, upon the Inveſtigation of a former Arbitrator, ſhall be held to produce Proofs of that Circumſtance.

If a Man brings a Suit againſt another, ſaying, "I lent you One Hundred *Rupees*," and the Defendant anſwers, "I never received One Hundred *Rupees*, I received Fifty *Rupees*, and have repaid them," in this Caſe, the Arbitrators ſhall firſt inveſtigate the Repayment, and afterwards make Inquiry, whether the Sum lent was really One Hundred or Fifty *Rupees*.

If a Man brings a Suit againſt another, ſaying, "You owe me a Debt of One Hundred *Rupees*," if the Defendant anſwers, "I never received One Hundred *Rupees*, I received Twenty-five *Rupees*, and have repaid them," in this Caſe, the Arbitrators ſhall firſt inveſtigate, whether the original Debt was really One Hundred or Twenty-five *Rupees*, and afterwards ſhall make Inquiry as to the Repayment; and in all Caſes, where the Plaintiff makes a large Demand, of which the Defendant acknowledges a Part only, leſs than Half the Sum claimed, Inquiry ſhall be conducted upon this Principle here explained.

A Plaintiff lays his Claim for One Hundred *Rupees* lent, the Defendant anſwers, "I never borrowed from you any Part of it," but at the ſame Time the Plaintiff hath in his Hand a Bond for One Hundred *Rupees*, and it therein appears that the Defendant hath repaid Fifty *Rupees*, and there are Witneſſes to this Circumſtance, in ſuch a Caſe, the Arbitrator ſhall firſt inveſtigate the Bond, and then examine the Witneſſes.

If a Man brings a regular Suit againſt another, and that Perſon abſolutely denies the Claim, in that Caſe, the Plaintiff ſhall be held to prove his Claim; if the Plaintiff has neither Writing nor Witneſſes for his Proof, the Defendant ſhall perform the *Purrikeh* (that is) an Ordeal, to ſatisfy the other.

If

If a Man brings a Suit againſt another, who anſwers, "I am in doubt about this Affair," ſuch Plea is not to be admitted as an Anſwer; in that Caſe, the Plaintiff ſhall prove his Claim by a Deed, by Witneſſes, or by Uſufruct on the Part of the Defendant; if he fails in theſe Three Modes, he ſhall take his Oath, or perform the *Purrikeh:* In every Affair, where a Deed, Witneſſes, or Proof of Uſufruct cannot be produced, an Oath muſt be taken, or the *Purrikeh* performed.

If a Man brings a Suit againſt another, ſaying, "I have lent you ſeveral different Articles," and the Perſon anſwers, "I never received One of the Articles you mention," in that Caſe, if the Plaintiff proves any One of all the Articles claimed, to be in the Defendant's Poſſeſſion, the Magiſtrate ſhall cauſe the whole ſo claimed to be reſtored: In this Affair, it is not the Fault of the Magiſtrate; if the Plaintiff, having made his Claim for ſeveral Things, ſhould add afterwards, that, "Another Article is ſtill in your Poſſeſſion, which by Miſtake I formerly omitted to mention in my Suit;" ſuch a Claim is not approved; according to the Ordinations of *Sewàrteh Behtàchàrige*, and this Ordination is approved (or cuſtomary.)

If a Man brings a Suit againſt another, ſaying, "I have lent you ſeveral different Articles," and that Perſon anſwers, "I have not received any Thing, if you can prove my Receipt even of One Article, I will make good the whole of your Claim," in that Caſe, if the Perſon can prove any One Article, the other ſhall be held to make good the whole; according to the Ordination of *Jògue Lògue*, and the *Pundits* of *Methilla*.

If a Man hath accuſed another of the Murder of a Man, or of a Robbery, or of Adultery, and ſhould ſay, "You have in ſeveral Places been guilty of theſe Crimes," and the Defendant denies the Accuſation, in ſuch a Caſe, if the Accuſer

Accufer can prove upon the other the Commiffion of any One of thefe Crimes, it fhall be a Proof of the whole Complaint.

If a Man brings a Suit againft another, faying, " I have intrufted feveral Articles (or) I have lent a Sum of Money to your Father, or Uncle, or Grandfather," which he demands fhould be returned, and the other denies the Affair, faying, " I know not the leaft of this Matter, prove your Claim, and receive it," in that Cafe, whatever Article the Plaintiff can prove he fhall receive, and whatever he cannot prove he fhall not receive.

When Two Perfons upon a Quarrel refer to Arbitrators, thofe Arbitrators, at the Time of Examination, fhall obferve both the Plaintiff and Defendant narrowly, and take notice, if either and which of them, when he is fpeaking, hath his Voice faulter in his Throat, or his Colour change, or his Forehead fweat, or the Hair of his Body ftand erect, or a Trembling come over his Limbs, or his Eyes water, or if, during the Trial, he cannot ftand ftill in his Place, or frequently licks and moiftens his Tongue, or hath his Face grow dry, or, in fpeaking to One Point, wavers and fhuffles off to another, or, if any Perfon puts a Queftion to him, is unable to return an Anfwer; from the Circumftances of fuch Commotions, they fhall diftinguifh the guilty Party.

In a Suit where One of the Parties, be it either Plaintiff or Defendant, produces a Writing, which the other doth not approve or allow, the Poffeffor of that Writing fhall not gain his Suit, until he can confirm it by Proof. The Mode of afcertaining a Writing is this, that he fhall produce another Copy of the Man's Writing, who, with his own Hand, drew out the Writing in Queftion, and fo prove its Authenticity.

If a Man brings a Suit againſt another, and can by any Means produce Proof of his Claim, the Cauſe ſhall be decreed in his Favour.

A Writing is of Two Sorts, Firſt, that which a Man writes with his own Hand; Second, that which he procures to be written by another: Of theſe Two Sorts, that which is written by a Man's own Hand, even without Witneſſes, is approved; and that written by another, if void of Witneſſes, is not approved.

When a Debtor, having cauſed his Bond to be written by another Perſon, and, having procured Witneſſes to it, hath borrowed Money upon it, after that, ſuppoſing that the Witneſs, who ſigned his Name upon the Bond, and he alſo, by whoſe Hand the Bond was written, are both dead, and the Debtor and Creditor alſo are dead, and a Diſpute ariſes between the Sons of the Debtor and Creditor concerning this Bond, the Son of the Debtor, ſaying, "I know Nothing of this Bond," then, if the Creditor, or Sons of the Creditor, at the Time when the Bond became due, had demanded their Money from the Debtor, in the Preſence of ſome other Perſons, and had cauſed the Bond to be read by Three or Four People, and can prove this Circumſtance, the Bond is approved; but if any Article had been pledged, then, even without previous Demand of the Sum due by the Bond, before other Perſons, and without having cauſed it to be read, the Bond is approved.

If a Lender of Money ſays to a Perſon, "A Debt due to me is outſtanding in your Hands," and that Perſon denies the Debt, if at that Time the Bond is not in the Lender's Hands, but ſhould be in ſome other Kingdom, then, until he brings the Bond from ſuch other Kingdom, the Suit ſhall not be determined.

If

If it ſhould happen that a Bond in a Creditor's Poſſeſſion ſhould be burnt, or ſome of the Letters in it are become inviſible, or the Bond be ſtolen from him, or by any Means be ſpoiled, and, upon Demand of the Sum due, the Debtor ſhould refuſe Payment, in that Caſe, the Creditor ſhall bring any Perſon who had formerly ſeen the Bond, and ſhall prove the Bond by his Evidence.

If a Bond in a Creditor's Poſſeſſion ſhould chance to be torn, or the Letters ſhould be obliterated, or the Bond by any Means be ſpoiled, the Creditor ſhall cauſe the Debtor, in ſuch Caſe, to write a freſh Obligation.

If a Man hath, for any Reaſon, executed a Bond, in the Name of another Perſon, and borrowed a Sum of Money on Account of it, and afterwards, upon the Creditor's damanding Payment of the Man, from whom he received the Bond, that Perſon ſhould anſwer, "I never borrowed any Money of you, if I have ſo borrowed, produce my Bond," the Creditor ſays, "You borrowed Money of me upon a Bond, written in the Name of another Perſon," which other Perſon ſays, "I never borrowed any Money of you, but, as a ſtrict Intimacy ſubſiſted between the Borrower and me, he gave the Bond in my Name, and converted the Money to his own Uſe," on a Diſpute of this Nature, the Arbitrator ſhall firſt examine the Connexion that ſubſiſted at the Time of the Execution of the Bond in Queſtion, between the Borrower of the Money and him in whoſe Name the Bond was paſſed, and whether or no they are near Relations; from theſe Two Circumſtances he ſhall form his Judgment, and alſo from the Evidence of the Witneſs who originally atteſted the Bond.

If a Perſon poſſeſſes the Title Deed of any Article, and another Perſon, by Intervention of his own, renders that Deed unapproved, in that Caſe, he who poſſeſſes ſuch a Writing ſhall reduce it to Proof; but if that Perſon ſhould be dead, after having applied the Article in Point to his own Uſe, the Son of that

that Perſon ſhall not be held to prove the Title Deed, but ſhall prove his Father's Uſufruct.

If a Perſon, poſſeſſing the Title Deed of any Article, ſhould die, without having applied that Article to his own Uſe, in that Caſe, his Son ſhall be held to prove the Validity of the Title Deed.

If a Lender of Money ſhould ſay to a Perſon, "You owe me a Sum of Money, I demand Payment," to which Demand that Perſon makes no Reply, after that, he again makes the ſame Demand, and in like Manner receives no Kind of Anſwer, after a Repetition of ſuch Demand for Five ſeveral Times, if that Perſon ſhould ſay to the Claimant, "I owe you Nothing," upon ſuch a Suit, the Magiſtrate ſhall cauſe that Perſon to pay the Claimant the Money demanded.

If a Plaintiff prefers a Claim, and the Defendant denies it, then, upon Proof of the Juſtice of the Claim, the Magiſtrate ſhall cauſe the Money in Diſpute to be paid to the Plaintiff, and ſhall alſo exact a Fine from the Defendant.

If a Perſon, who hath brought a Suit againſt another, can aſcertain his Claim, by the Evidence of Witneſſes, by a Writing, by Proof of Uſufruct, by Opinion of Arbitrators, by the *Purrikeh*, or by an Oath, the Suit ſhall be given in his Favour: If he cannot prove it by any of theſe Means, he is culpable, even if he acknowledges the Fault he has committed, he ſhall ſtill be deemed culpable.

SECT.

## S E C T. VII.

### *Of Evidence.*

Whoever has ſeen a Tranſaction with his own Eyes, or has heard it with his own Ears, ſuch a Perſon is a Witneſs.

When a Plaintiff or Defendant have not applied to a Witneſs, who is conſcious of any Tranſaction, deſiring him to appear as a Witneſs in their Cauſe, if the Magiſtrate, or Arbitrator, ſummon ſuch a Witneſs, and queſtion him as to the Circumſtances of the Tranſaction, ſuch Part of his Evidence as relates to what he has ſeen with his own Eyes, and heard with his own Ears, is approved.

When a Perſon, being Witneſs of any Tranſaction, hath explained the Circumſtances of that Tranſaction to another Perſon, the Plaintiff or Defendant may conſtitute ſuch Perſon as a Witneſs, to teſtify whatever was explained to him by the other; ſuch Perſon is called a Secondary Witneſs; and the Evidence delivered by ſuch Secondary Witneſs is approved.

In a Suit concerning Limits and Boundaries, whoever is acquainted with the true State of thoſe Limits and Boundaries, without being appointed Witneſs in the Cauſe, may deliver in his Evidence.

If a Plaintiff or a Defendant ſecretly hides a Perſon where he may over-hear the Diſcourſe, and then aſks a Witneſs the true Circumſtances of the Caſe, and that Perſon with his own Ears hears the Relation of the Witneſs, ſuch Perſon is called a hidden Witneſs, and the Evidence of a hidden Witneſs is true.

He who is a Witneſs ſhall keep by him a written Statement of every Tranſaction, in which he is a Witneſs, that, even after a conſiderable Space of Time, he may be enabled to recollect it.

A Witness, a Borrower, or a Principal in any other Affair, ſhall write with his own Hand an Account of every Affair ſo concerning him; if he does not know how to write himſelf, he ſhall cauſe it to be written by another.

## SECT. VIII.

### *Of Proper and Improper Evidence.*

A Minor until Fifteen Years of Age, One ſingle Perſon, a Woman, a Man of bad Principles, a Father, or an Enemy, may not be Witneſſes; but if the Father and the Enemy are Men of good Diſpoſition, and Speakers of Truth, and Men are well acquainted with the Goodneſs of their Diſpoſition and Veracity, theſe Two Perſons may be Witneſſes.

He who regulates his Actions by the *Beids* and *Sheerut* of the *Shaſter*, Three ſuch Men ſhall be appointed Evidences; leſs than this Number ſhall not be made Witneſſes; and this Order is in the Chapter concerning Affairs of a long Space of Time.

Men of every Tribe ſhall appoint Witneſſes from their own Tribe, as a *Bramin* ſhall appoint a *Bramin*, a *Chehteree* ſhall appoint a *Chehteree*; and ſo in regard to each Tribe, Men of the ſame Tribe ſhall be conſtituted Witneſſes; a Woman alſo ſhall appoint a Woman her Witneſs; but upon the Time of any Tranſaction, if a Perſon of the ſame Tribe happens not to be preſent, a Wit-

neſs

neſs ſhall be appointed from thoſe upon the Spot, to whatever Tribe they may chance to belong.

If the Plaintiff or Defendant, at their own Option, appoint a ſingle Perſon only, known to be a Man of Veracity and good Behaviour, as their Witneſs, that ſingle Perſon alſo may become a Witneſs; alſo a Perſon who is not of a good Diſpoſition, yet not fraudulently inclined, nor avaricious, if ſuch a Perſon be agreeable to both Plaintiff and Defendant, he may, though ſingle, be a Witneſs.

If the *Serwutteree*, or *Bramins* learned in the *Beids*, give Evidence, Nine of them are required; if there are not Nine, there muſt be Seven; if there are not Seven of them, there muſt be Five; if there are not Five of them, there muſt be Four; if there are not Four of them, there muſt be Three; if there are not Three of them, Two ſhall give Evidence; a ſingle *Bramin*, learned in the *Beids*, cannot be a Witneſs.

A *Bramin Serwutteree*, or learned in the *Beids*, a Devotee become very infirm, and a *Sinaſſee* ſhall not be Witneſſes; but if theſe have ſeen a Quarrel between Two Perſons, and of themſelves deliver in Evidence, it is approved.

He who hath killed a Man, or who is guilty of Theft, of Adultery, or of falſe Abuſe, or who, enticing a Man to himſelf, by Treachery and Deceit, deprives him of Life, and deſtroys his Effects, or whoever is a Juggler, and is conſtantly employed in Games of Dice and Chances, or whoever is a perpetual Wrangler, ſuch Perſons ſhall not be Witneſſes.

A Slave of either Sex, a blind Man, a Woman, a Minor until Fifteen Years of Age, an old Man of Eighty Years, a Man afflicted with a Leproſy, One guilty of Murder, of Theft, of Adultery, or of falſe Abuſe, or who, enticing

ticing a Man to himſelf, by Treachery and Deceit, deprives him of Life, and deſtroys his Effects, or whoever is conſtantly employed in Games of Dice and Chances, or who is a perpetual Wrangler, or a Juggler, ſuch Perſons, in Affairs of Murder, of Theft, of Adultery, and of falſe Abuſe, may not be Witneſſes: In theſe Four Caſes, One ſingle Man of Veracity and good Conduct, with whoſe good Diſpoſition and Love of Truth Men are well acquainted, may alone be a Witneſs.

Supposing a Perſon to lend another Money ſecretly, or ſecretly to intruſt his Property to the Care of another, in ſuch Affairs, One ſingle Perſon is a ſufficient Witneſs.

## S E C T. IX.

### *Of the Modes of Examining Witneſſes.*

He who means to queſtion a Witneſs, having bathed himſelf, ſhall put his Queſtions in the Tenth *Ghurrie* of the Day: The Witneſs alſo, having bathed himſelf, and turned his Face towards the Eaſtern or Northen Quarter, ſhall deliver his Evidence: The Examiner ſhall aſk the Witneſs (if a *Bramin)* with Civility and Reſpect, ſaying, " Explain to me what Knowledge you have of this Affair;" and to a *Chehteree* he ſhall ſay, " What do you know of this Affair? ſpeak the Truth;" and to a *Bice* he ſhall ſay, " What do you know of this Affair? if you give falſe Evidence, whatever Crime there is in ſtealing Kine, or Gold, or *Paddee*, or Wheat, or *Gràm*, or Barley, or Muſtard, and ſuch Kind of Grain, ſhall be accounted to you;" and to a *Sooder* he ſhall ſay, " What do you know of this Affair? ſpeak; if your Evidence is falſe, whatever Crime is the greateſt in the World, that Crime ſhall be accounted to you."

He

He who means to take an Evidence ſhall ſeparately explain the religious Merit of faithful Teſtimony, and the horrid Nature of the Crime of falſe Witneſs; as that the Merit of a true Depoſition is greater than the Merit of a Thouſand *Aſhummeed Juggs*: (An *Aſhummeed Jugg* is when a Perſon, having commenced a *Jugg*, writes various Articles upon a Scroll of Paper, on a Horſe's Neck, and diſmiſſes the Horſe, ſending along with the Horſe a ſtout and valiant Perſon, equipped with the beſt Neceſſaries and Accoutrements to accompany the Horſe Day and Night, whitherſoever he ſhall chooſe to go; and if any Creature, either Man, Genius, or Dragon, ſhould ſeize the Horſe, that Man oppoſes ſuch Attempt, and, having gained the Victory upon a Battle, again gives the Horſe his Freedom: If any One in this World, or in Heaven, or beneath the Earth, would ſeize this Horſe, and the Horſe of himſelf comes to the Houſe of the Celebrator of the *Jugg*, upon killing that Horſe, he muſt throw the Fleſh of him upon the Fire of the *Juk*, and utter the Prayers of his Deity; ſuch a *Jugg* is called a *Jugg Aſhummeed*, and the Merit of it as a religious Work is infinite.) And the Crime of falſe Witneſs is the ſame as if a Man had murdered a *Bramin*, or had deprived a Woman of Life, or had aſſaſſinated his Friend; or of One, who, in return for Good, gives Evil; or who, having learned a Science or Profeſſion, gives his Tutor no Reward; or of a Woman, who, having neither Son, nor Grandſon, nor Grandſon's Son, after her Huſband's Death, celebrates not the *Serâdeh* to his Memory; or of a Son, who celebrates not the *Serâdeh* for his Father and Mother; or of him, who, having received a Kindneſs, is always mentioning the Faults of his Benefactor, and conceals the Benefit received; or of him, who forſakes any One of the Four *Iſrum*, or Modes of Life: (The Four *Iſrum* are a *Berhemchârry*, a *Sinaſſee*, a *Bân Perûſt*, and a Houſholder; of theſe the *Berhemchârry*, the *Sinaſſee*, and the *Bân Perûſt*, have already been explained in the Chapter of *Daye Bhâg*; and a Houſholder is he who hath a Wife, a Son, a Brother, and Grandſon; or, if he hath not theſe, who nevertheleſs keeps a Houſe.) Whatever

Crime is incurred in ſuch Actions as above-mentioned, the ſame Crime is incurred by giving falſe Witneſs.

In an Affair concerning Kine, if any Perſon gives falſe Evidence, whatever Guilt is incurred by the Murder of Ten Perſons, he becomes obnoxious to the Puniſhment due to ſuch a Crime, beſides the Guilt already explained.

In an Affair concerning a Horſe, if any Perſon gives falſe Evidence, his Guilt is as great as the Guilt of murdering One Hundred Perſons.

Besides Kine and Horſes, in an Affair concerning any other Animal that hath Hair upon its Tail, if any Perſon gives falſe Evidence, whatever Guilt is incurred by the Murder of Five Perſons, that Guilt ſhall be imputed to him.

In an Affair concerning a Man, if any Perſon gives falſe Evidence, whatever Guilt is incurred by the Murder of One Thouſand Perſons, he becomes amenable to the Puniſhment of ſuch Guilt.

In an Affair concerning Gold, if any Perſon gives falſe Evidence, whatever Guilt would be incurred in murdering all the Men who have been born, or who ſhall be born in the World, ſhall be imputed to him.

In an Affair concerning Land, if any Perſon gives falſe Evidence, whatever Guilt would be incurred by the Murder of all living Creatures in the World, he ſhall be liable to the Puniſhment due to ſuch Guilt.

Wherever ſeveral Perſons are Witneſſes to One Point, the Arbitrators, at the Time of examining the Witneſſes, ſhall queſtion ſuch Witneſſes in a Body together, and ſhall not examine them ſeparately; theſe Witneſſes alſo ſhall all deliver in their Evidence, at once, jointly.

Wherever

Wherever ſeveral Perſons are Witneſſes ſeparately, and to different Points, the Arbitrators, at the Time of examining the Evidences, ſhall not queſtion any One of theſe Witneſſes in the Preſence of the reſt; the Witneſſes alſo ſhall each of them ſeparately give their own Evidence, out of hearing of the reſt.

When a Witneſs is to give his Evidence, he ſhall teſtify, without having any Scruple of Doubt remaining in his Mind.

When a Man is appointed a Witneſs, if he will not give his Evidence, whatever Guilt is incurred by falſe Evidence, the ſame Guilt ſhall be imputed to him; and the Magiſtrate ſhall exact from him the ſame Fine as from a Perſon guilty of falſe Witneſs.

If the Plaintiff or Defendant in a Cauſe have appointed any Perſon a Witneſs, and afterwards ſhould ſay to him, "Whatever you know of our Caſe, tell it to another Perſon," and the Witneſs upon this relates the Affair to another, afterwards, when the Arbitrator, having ſummoned this Witneſs, proceeds to Examination, if that Witneſs ſhould ſay, " I know not this Affair," in that Caſe, whatever is the Value of the Article in Diſpute, he ſhall pay a Fine of Eight Times as much: If a *Bramin*, being appointed a Witneſs, ſhould be guilty of this Practice, a Fine ſhall not be exacted from him, but he ſhall be baniſhed the Kingdom.

Wherever a true Evidence would deprive a Man of his Life, in that Caſe, if a falſe Teſtimony would be the Preſervation of his Life, it is allowable to give ſuch falſe Teſtimony; and for Ablution of the Guilt of falſe Witneſs, he ſhall perform the *Poojeeh Sereſhtee*; but to him, who has murdered a *Bramin*, or ſlain a Cow, or who, being of the *Bramin* Tribe, has drunken Wine, or has committed

mitted any of these particularly flagrant Offences, it is not allowed to give false Witness in Preservation of his Life.

If a Marriage for any Person may be obtained by false Witness, such Falsehood may be told; as upon the Day of celebrating the Marriage, if on that Day the Marriage is liable to be incomplete, for want of giving certain Articles, at that Time, if Three or Four Falsehoods be asserted, it does not signify; or if, on the Day of Marriage, a Man promises to give his Daughter many Ornaments, and is not able to give them, such Falsehoods as these, if told to promote a Marriage, are allowable.

If a Man, by the Impulse of Lust, tells Lies to a Woman, or if his own Life would otherwise be lost, or all the Goods of his House spoiled, or if it is for the Benefit of a *Bramin*, in such Affairs, Falsehood is allowable.

In a Case where there are many Witnesses, if, at the Time of Examination, most of them give their Evidence for One Person, and One or Two of them depose in Favour of the other Party, the Evidence of the Majority is approved; if of the whole Number of Witnesses Half depose for One Side, and Half for the other, then the Evidence of any One of the Witnesses who is a Man of Science shall be credited; if they are all Men of Science, the Evidence of him among them who is the farthest advanced in Knowledge is approved; if the Knowledge of all of them is equal, the Testimony of him among them who regulates his whole Conduct by the *Beids* is approved; if they all regulate their Conduct by the *Beids*, and the Evidence of such Men is contradictory, then such a Suit as this cannot be decided by the Testimony of Witnesses; but the *Purrikeh* must be performed.

In every Suit where there is a Witness and a Writing, or a Proof of Usufruct, there shall be no Obligation to perform the *Purrikeh*.

If

If either the Plaintiff or Defendant defame the Character of a Witnefs, whofe Conduct is unblemifhed, for fuch Defamation of a fpotlefs Character, the Magiftrate fhall exact a Fine from that Perfon.

## SECT. X.

### *Of Appointing Arbitrators more than once; and of the Mode of drawing up the Statement of a Caufe.*

The Arbitrators, at the Time of having made an Examination, fhall write a *Jee Potr* (*i. e.*) a Statement and Decree, and they fhall draw it up in this Manner:

*Firft.* They fhall write whatever the Plaintiff urged as the Matter of his Claim.

*Second.* After that, they fhall write whatever Anfwer the Defendant gave to that Plea; then they fhall ftate whatever Evidence was delivered in by the Witneffes; or, if a Writing was given in, they fhall exprefs the Contents of it; or otherwife they fhall write the Circumftances of Ufufruct, or of Opinion, or of the *Purrikeh*, or of the Oath; afterwards they fhall write the Names of all the Arbitrators who were prefent: In this Manner, upon whatever Principle the Examination proceeded, fhall a Statement be drawn up, *viz.* We, being fuch and fo many Perfons, have made this Examination to the beft of our Knowledge.

Every Caufe that comes to a Proof from the Face of a Writing, or from Witneffes, and the Plaintiff and Defendant are wearied out with Vexation of

the Diſpute, the Arbitrators, at the Option of the Plaintiff and Defendant, ſhall adjuſt and determine it.

When the Arbitrators have made a thorough Examination, if he who is proved culpable goes afterwards with Complaint to a Magiſtrate, the Magiſtrate ſhall not give him another Arbitrator; but ſhould that Man aſſert, that, "The Arbitrators have committed Injuſtice; if they have not committed Injuſtice, I will forfeit a Fine of double the Sum now in Diſpute;" upon a Propoſition of this Nature, the Magiſtrate may appoint other Arbitrators.

If the Arbitrators have committed Injuſtice, and the Plaintiff can bring this Matter to a Proof, then the Magiſtrate ſhall appoint other Arbitrators, and ſhall hold the former Arbitrators amenable.

If a Man is convicted by his own Words, and afterwards petitions the Magiſtrate for other Arbitrators, in that Caſe, the Magiſtrate ſhall not give him other Arbitrators.

If an Arbitrator hath made his Examination under the Impulſe of Luſt, or Enmity, or in Sickneſs, or through Fear, or Poſitiveneſs, or Anger, it is not approved.

## S E C T. XI.

### *Of Giving Preference to a Claim.*

If the ſame Article be ſold, or pledged, or given away, at twice, to Two different Perſons, the firſt Tranſaction is approved; in all other Caſes the latter.

If

If any Person, having sold any Article to One Person, sells the same Thing afterwards to another; or, having pledged it once any where, pledges it a Second Time at another Place; or, having once given it to One, afterwards presents it to another; then he who first bought it, or who first received it in Pledge, or to whom it was first given, is to be believed; and the last Purchaser, Pledgee, or Accepter, is not approved.

If a Man hath borrowed Money from another upon Agreement for a small Interest, and afterwards, at his own Option, consents to an increased Rate of Interest, the former Agreement is to be believed.

If a Man, having deposited any Article with One Person, should afterwards give the same Thing as a Pledge, or should sell it, or present it to another, then it shall belong to him who bought it, or to whom it was pledged or presented.

If a Man, having pledged any Article with One Person, should afterwards sell or give it away to another, in that Case, the Article above-mentioned shall go to him who bought it, or to whom it was given; but he, in whose Hands it was detained as a Pledge, shall receive the Money due to him from his Debtor; if the Debtor is dead, or hath absconded, he shall receive the Sum of his Debt from him who hath bought the Article, or to whom it was given.

# C H A P. IV.

## *Of Truſt or Depoſite.*

### *Truſt or Depoſite is of Three Sorts.*

*Firſt*, When a Man intruſts his Property to another, upon this Conſideration, *viz.* That, if I depoſite any Thing with this Man, I ſhall moſt certainly recover it again: – Such Truſt is called *Neekheep*.

*Second.* When a Perſon from Suſpicion of the Magiſtrate, or of Thieves, or from a Deſire that his Heirs ſhould not get Poſſeſſion, intruſts his Property to another:—This is called *Neeàſh*.

*Third.* When a Man intruſts his Property to another, and that Perſon makes over the ſame Property in Truſt to a Second, informing him, at the ſame Time, that ſuch Property belongs to ſuch a Perſon, and muſt be returned to him: – Such Truſt is called *Enàhut*.

In the Place where a Man reſides, it muſt be inquired, whether he be of a good Family, of approved Conduct, of religious Principles, and a Speaker of Truth, whether he be very rich, and hath many Friends and Relations; when theſe Circumſtances are favourable, Property ſhall be truſted to ſuch a Perſon.

If a Man, having ſealed and marked his Property, hath delivered it in Truſt to any Perſon, the Truſtee, upon redelivering ſuch Goods, ſhall return them with the ſame Seal and Mark; if there be not the ſame Seal and Mark, he ſhall

ſhall undergo the *Purrikeh*, or take his Oath concerning the Alteration of the Property in Truſt.

If a Perſon ſhould make uſe of any Property intruſted to him, or it be ſpoiled for want of his Care and Attention, then, whatever Crime it is for a Woman to abuſe her Huſband, or for a Man to murder his Friend, the ſame Degree of Guilt ſhall be imputed to him, and the Value of the Truſt muſt be made good.

A Man ought not to take upon himſelf the Truſt of anothers Property; if he accepts ſuch Truſt, he muſt preſerve it with Care, and return it upon the Firſt Demand.

If a Perſon hath intruſted any of his Property to another, and the Son of that Perſon ſhould demand the Property ſo intruſted, the Truſtee ſhall not deliver the Depoſite without Order of the Father.

If a Man who hath intruſted any Property to another ſhould die, and the Son of the Deceaſed does not demand his Father's Property, yet the Truſtee ſhall of himſelf deliver up the Truſt to that Son.

If a Man hath received in Truſt the Property of another Perſon, and that Property, together with his own Effects, ſhould be ſpoiled, in that Caſe, he ſhall not make good the Penalty upon the Property in Queſtion; and if it be ſpoiled by any unforeſeen Accident, or by the Innovation of the Magiſtrate, in that Caſe alſo, he ſhall not make good the Value.

If, at any Time, in any Manner, the Property in Depoſite be ſpoiled by the Fault of the Truſtee, he ſhall make it good.

If Property in Depoſite ſhould fall into the Water, or be burnt, or ſtolen, and the Truſtee conceals any Part of it that may happen to have been ſaved, and this Circumſtance can be proved, in that Caſe, he ſhall make good the whole Property.

If a Perſon hath intruſted his Property to another for a ſettled Time, or hath depoſited it with this Agreement, "That whenſoever the Neceſſities of my own Affairs ſhall cauſe me to remand my Property, it ſhall be returned to me," then, if according to ſuch Promiſe, or the Appearance of the Depoſitor's Affairs, Application be made, and the Truſtee refuſes to deliver the Property, and after ſuch Refuſal it be ſpoiled, the Truſtee ſhall make good all ſuch Property, with Intereſt upon it; alſo, if, within the Time ſettled, it be ſpoiled by the Negligence of the Truſtee, in that Caſe alſo, he ſhall make it good with Intereſt.

If a Perſon hath aſſociated to himſelf other bad Men, in the fraudulent and deceitful Concealment of Property intruſted to him, the Magiſtrate ſhall puniſh and fine the Truſtee, and cauſe the Property depoſited to be reſtored to the Owner.

If a Truſtee does not return to the Owner, upon Demand, the Property depoſited in his Hands, the Magiſtrate ſhall fine him.

If a Perſon hath borrowed any Thing from another, promiſing to return it whenever the Buſineſs for which it was borrowed is completed, and then fraudulently and deceitfully detains it, the Magiſtrate ſhall cauſe the borrowed Property to be returned to the Owner, and ſhall fine the Borrower; alſo, if the Thing borrowed be not returned, after the Concluſion of the Buſineſs, and it ſhould be afterwards ſpoiled by any Accident of the Seaſon, or any Innovation of

of the Magiſtrate, the Borrower ſhall make it good; and if, during the Time the Buſineſs is in Hand, it ſhould be ſpoiled by any unforeſeen Accident, or Innovation of the Magiſtrate, it ſhall not be made good.

If any Perſon hath given to a Workman, under a Stipulation, for the Purpoſe of making Pots or Ornaments, or any Kind of wrought Work, Gold, Silver, Tutenague, Copper, Braſs, or ſuch Kind of Metals, and the Workman fraudulently and deceitfully conceals it, in that Caſe, the Magiſtrate ſhall cauſe the Article to be returned to its Owner, and ſhall exact a Fine from the Workman; or upon the Workman's not having given the Thing within the Time ſtipulated, if, after the Expiration of the Term of the Agreement, the Thing ſpecified be ſpoiled by any Accident of the Seaſon, or the Injuſtice of the Magiſtrate, the Workman muſt make it good; but if, within the Time ſtipulated, the Commodity ſhould be ſpoiled by any Accident of the Seaſon, or Innovation of the Magiſtrate, it ſhall not be made good.

If a Perſon employs in Trade the Property intruſted to him, without Orders from the Owner to that Purpoſe, the Magiſtrate ſhall take a Fine from the Truſtee, and cauſe the Property in Truſt to be returned with Intereſt; and if, without employing ſuch Property in Trade, the Truſtee ſhould expend it, to furniſh himſelf with Victuals or Cloaths, in that Caſe, he ſhall repay the depoſited Property with Intereſt, but he ſhall not be fined.

If a Man is deſirous to intruſt his Property to another, and that Perſon ſays, " I am not able to take charge of ſuch Property," and, after a long Converſation and Debate, the Firſt Perſon doth intruſt his Property to the other, and the Truſtee employs that Property to find himſelf in Food and Cloaths, he ſhall, in that Caſe, return whatever Property was intruſted to him, but he ſhall not pay any Intereſt upon it.

If

If a Perſon, who hath not intruſted his Property to another, ſhould ſay to him, "I have depoſited certain Things to your Charge, return them to me," in that Caſe, if the Demandant be poor, and hath always preſerved the Tenets of his Caſt, he ſhall pay to the Magiſtrate a Fine equal to the Sum falſely claimed; if he is rich, and an Apoſtate from the Principles of his Tribe, a double Fine ſhall be taken from him.

If any Perſon hath out of Ignorance ſpoiled any intruſted Property, then he who ſpoiled that Property ſhall not be obliged to make it good; alſo, if he ſhould die, his Wife and Son ſhall not be held to pay.

CHAP.

## CHAP. V.

### *Of Selling a Stranger's * Property.*

WHOEVER fells to any Man anothers Property, or Goods in Truft, or Property mortgaged, or Things borrowed, or loft Goods that he hath found, or Things ftolen, or any Things of this Kind, being the Property of a Stranger, without Confent or Command of the Owner, is called *Afhwàmee Peikeree (i. e.)* a Seller of a Stranger's Property.

IF a Perfon, not being Owner of certain Property, fells that Property to another, or gives it away, or mortgages it, without Confent of the Owner, it is not approved.

IF a Perfon, defcended from the fame Grandfather with the Owner of certain Property, fhould fell or give away fuch Property, without Confent of the Owner, the Magiftrate fhall fine him Six Hundred *Puns* of *Cowries*, and caufe the Property to be reftored to the Owner:—According to the Ordinations of *Chendeefur*.

IF a Perfon, defcended from the fame Grandfather with the Owner of certain Property, caufes that Property to be brought by the Hands of a Stranger, and fells it without the Confent and Command of the Owner, then the Magiftrate fhall fine him in a larger Mulct than Six Hundred *Puns* of *Cowries*:—According to the Ordinations of *Chendeefur*.



* A Stranger here means a Perfon in no Degree related to the Seller.

If a Perſon, deſcended from the ſame Grandfather with the Owner of certain Property, ſhould himſelf produce that Property, or cauſe it to be produced by the Hands of another, and ſell it, or give it away, then the Magiſtrate ſhall fine him Six Hundred *Puns* of *Cowries:*—This Ordination is approved, according to the Ordinations of *Phàkooree*, *Meidhab-teetee*, and *Kulp-teroo*, and *Pàcheſhputtee Miſr*.

If a Perſon, not deſcended from the ſame Grandfather with the Owner of certain Property, ſhould of himſelf take any Thing out of the Owner's Houſe, and ſell it, or give it away, without Conſent or Command of ſuch Owner, he ſhall receive the ſame Puniſhment as a Thief: – According to the Ordinations of *Chendeeſur*.

If a Perſon, not deſcended from the ſame Grandfather with the Owner of certain Property, ſhould either of himſelf, or by the Hands of another, procure ſuch Property, and ſell or give it away, without the Conſent or Command of the Owner, the Magiſtrate ſhall take from him the ſame Fine as from a Thief: According to the Ordinations of *Phàkooree*, *Meidhab-teetee*, *Kulp-teroo*, and *Pàcheſhputtee Miſr*:—Approved.

If a Perſon hath openly purchaſed any Commodity from another, who was not the Owner of it, and afterwards the Owner ſhould come and ſay to the Purchaſer, " This Property belongs to me," and ſhould produce Proof of this, and if alſo he hath not given away, nor ſold that Property to another, and likewiſe can prove this, and it ſhould happen, that, becauſe the Seller of that Property lives in another Kingdom, the Purchaſer cannot cauſe him to appear, yet knows where the Seller lives, in that Caſe, the Purchaſer ſhall not be amenable ; but the Magiſtrate ſhall give the Property to the Owner, and cauſe the Value thereof to be given to the Purchaſer.

If

If a Perſon hath openly purchaſed any Commodity from another, who was not the Owner of it, and at the ſame Time does not know where the Seller reſides, ſo as to cauſe him to appear, and afterwards the real Owner ſhould come and prove his Property, and hath not given or ſold it to any Perſon, and proves this alſo, then the Purchaſer, taking Half the Value of the Property from the Owner, ſhall reſtore to him his own Property.

If a Perſon out of Ignorance hath ſold the Property of another, the Magiſtrate ſhall fine him Six Hundred *Puns* of *Cowries*; if he ſold it knowingly, he ſhall be puniſhed as a Thief.

If a Perſon hath openly ſold any Commodity, and afterwards another Perſon ſhould come and ſay, " This is my Property," but at the ſame Time cannot prove himſelf Owner thereof, the Magiſtrate ſhall puniſh the falſe Pretender as a Thief, and the Purchaſer of the Commodity ſhall retain it in Poſſeſſion.

If a Man clandeſtinely in his own Houſe, or without the Village, or in the Night-Time, or from a Man of general bad Character, ſhould purchaſe any Commodity, at a Rate inferior to the real Value, the Magiſtrate ſhall puniſh the Purchaſer as a Thief.

If an indigent Man ſells to another Perſon any Commodity that is not ſuitable to the Seller's Condition in Life, in that Caſe, the Purchaſer ſhall be puniſhed as a Thief.

If a Perſon buys any Commodity from a Man who is not the Owner, and afterwards the real Owner ſhould come and ſay, " This Commodity belongs to me, neither have I given or ſold it to any Perſon," and this is alſo proved, and

and the Purchafer knows not where the Seller refides, and there alfo fhould happen to have been no Perfon prefent at the Time the Purchafe was made, upon a Difpute of this Nature, the Magiftrate fhall caufe the purchafed Commodity to be returned to the Owner, and fhall take a Fine from the Purchafer.

If a Perfon buys any Commodity from a Man who is not the Owner, and afterwards the real Owner fhould come and prove himfelf the Owner, and the Purchafer fhould have it in his Power to produce the Vender, then there is no farther Connexion between the Purchafer and Vender; if the Vender is not upon the Spot, the Purchafer fhall fettle a ftipulated Time for caufing the Vender to appear; then, upon the Vender's Appearance, the Magiftrate fhall order him to pay to the Purchafer the Price of the Commodity, and caufe the Property to revert to the right Owner, and punifh the Vender as a Thief.

If a Man, whofe Property hath been loft, or fquandered away, fhould find fuch Property in any Stranger's Hand, and feize upon it, without acquainting the Magiftrate, he fhall be fined Ninety-fix *Puns* of *Cowries*.

# C H A P. VI.

## *Of Shares.*



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## S E C T. I.

### *Of Shares of Trade in Partnerſhip.*

A Man of a reputable Caſt, experienced in Buſineſs, induſtrious, intelligent, and underſtanding his Income and Expences, a Man of Virtue, and of a clean Character, and of Perſeverance in his Affairs, ſuch a Man is to be choſen as a Partner in Trade.

If Perſons have commenced a Partnerſhip in Trade, without a ſettled Agreement concerning their reſpective Shares in the Profit and Loſs, in that Caſe, they ſhall underſtand their Profit and Loſs to be in Proportion to the Stock; if they have commenced the Partnerſhip upon a ſettled Agreement concerning the Shares of Profit and Loſs, they ſhall underſtand their Profit and Loſs to be according to the Agreement.

Trade ſhall be carried on with ſuch Perſons as have never been convicted of any fraudulent Practices; if, after the Commencement of the Partnerſhip, the Appearance of any Fraud in either of the Partners ſhould ariſe, the Party ſuſpected ſhall clear himſelf by taking an Oath, or undergoing the *Purrikeh.*

If Stock of a Partnerſhip in Trade be ſpoiled by any unforeſeen Accident, or by any Innovation of the Magiſtrate, the Loſs ſhall fall upon the Shares of all the Partners.

If a Perſon, without Conſent of his Partners, *nolens volens*, in Oppoſition to them, ſhould undertake any Buſineſs, and the Stock is thereby injured, he ſhall make good that Stock to the Partners.

If an unexpected Calamity, or any Innovation of the Magiſtrate ſhould take place, during that Calamity, if any One of the Partners can preſerve any Part of the Stock, he ſhall receive to himſelf One Tenth of the Property ſo preſerved.

To a Man who hath been guilty of Frauds, no Part of the Profit ſhall be given; but his original Share of the Stock ſhall be returned to him, and he ſhall be excluded from the Partnerſhip.

If either of the Partners excuſes himſelf from the Buſineſs, or the Preſervation of the Stock, he ſhall appoint ſome able Perſon, upon his own Account, in his room; and if either of them, who is capable of tranſacting every Part of the Buſineſs, and who has engaged in ſome of the Trade, ſhould die, in that Caſe, whoever is his Heir ſhall receive One Tenth of the Profit, and alſo his original Share: If he has no Heir, the Perſon who had the Care of the Stock ſhall receive the Tenth Part of the Profit; if the Care of the Stock was intruſted to no One in particular, all the Partners ſhall receive equal Shares; if all the Partners are dead, the Magiſtrate's Officers ſhall carry all the Goods to the Magiſtrate for his Inſpection, and the Magiſtrate ſhall detain the Goods, until the Heirs bring in their Claim; if the Heirs come in, and prove their Right

of

of Inheritance, the Magiſtrate ſhall give up all Pretenſions to the Goods; if there is no Heir, and the Houſe of the deceaſed Merchants be at a great Diſtance, the Magiſtrate ſhall keep the Property in his Cuſtody for Ten Years; if the Houſe be not at ſo very great a Diſtance, he ſhall keep it in Cuſtody for Three Years; if their Houſe is very near, he ſhall keep in Cuſtody that Property for One Year; if, within that Space of Time, any Heir comes in, and can prove himſelf the Heir, in that Caſe, the Magiſtrate ſhall take for himſelf One Part in Twenty of the Property of a *Bramin*, One Twelfth of the Property of a *Chehteree*, One Ninth of that of a *Bice*, and One Sixth from that of a *Sooder*; if, within that Time, no Heir ſhould appear, the Magiſtrate ſhall appropriate to himſelf the Property of a *Chehteree*, *Bice*, and *Sooder*, and give a *Bramin*'s Property to other *Bramins*; and if there are no *Bramins*, he ſhall cauſe it to be thrown into the Water.

## S E C T. II.

### *Of the Shares of Artificers.*

If ſeveral Perſons labour jointly in Gold and Silver, or ſuch Species, or in Silk, or in Wood for Fuel, or in Stone, or Leather, or ſuch Kind of Things, the Perſon who is but a young Practitioner in the Art ſhall receive a ſingle Share, and he who is more experienced ſhall receive Two Shares, and he who is a complete Artificer at the Buſineſs ſhall receive Three Shares, and he who is Inſtructor to them all ſhall receive Four Shares.

If a Perſon jointly with others builds a Houſe, or makes a Pool, he who is Chief among them all ſhall be entitled to a double Share thereof; the others ſhall each receive a ſingle Share.

Among

Among Singers, Muficians, and others exercifing fuch Kinds of Profeffions, whoever of them underftands the Regulation of Time fhall receive One Share and a Half; the others fhall receive each One Share, and the Chief fhall receive Two Shares.

The Mode of Shares among Robbers is this: If any Thieves, by the Command of the Magiftrate, and with his Affiftance, have committed Depredations upon, and brought any Booty from another Province, the Magiftrate fhall receive a Share of One Sixth of the whole; if they received no Command or Affiftance from the Magiftrate, they fhall give the Magiftrate, in that Cafe, One Tenth for his Share; and of the Remainder their Chief fhall receive Four Shares; and whofoever among them is perfect Mafter of his Occupation fhall receive Three Shares; alfo whichever of them is remarkable ftrong and ftout fhall receive Two Shares, and the reft fhall receive each One Share; if any One of the Community of the Thieves happens to be taken, and fhould be releafed from the *Cutcherry*, upon Payment of a Sum of Money, all the Thieves fhall make good that Sum by equal Shares.

All thefe Shares of Painters, Singers, Thieves, &c. that have been above explained, are to be underftood in Cafes where no Agreement of Shares hath been originally fettled; if any Agreement among them, in regard to Shares, hath taken place, they fhall receive their Proportions by the Tenour of fuch Agreement.

CHAP.

# C H A P. VII.

## *Of Gift (or Alienation by Gift.)*

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### *This has Four Diſtinctions:*

*Firſt*, Of what is not liable to be given away *(i. e.) Adew.*

One Partner cannot give away Goods belonging to the Partnerſhip, without Conſent of the Partners; but according to the Ordination of *Pàcheſhputtee Miſr*, *Sewàrteh Behtàchàrige*, *Jeimoot Bàhun*, and *Sirree Kiſhen Terkàlungkàr*, it is thus explained, That, from the Goods in Partnerſhips, if any Perſon gives away any Thing of that Part to which he has a Right, as his own Share, the Gift is approved, but the Donor is blamable:—Approved.

If a Calamity ſhould happen to any Perſon, he may not give away his Wife to another Man, without that Wife's Conſent; if ſhe is willing, he has Power to give her away.

If a Man, during a Calamity, gives away or ſells his Son to any Perſon, without the Conſent of that Son, it is not approved; if the Son is willing, the Father has Power to ſell or give him away.

If a Man hath only One Son, and that Son is willing to be ſold or given away, in that Caſe, even in Time of Calamity, the Father hath not Power to ſell or give away his Son.

The Wife may not give away or ſell her Son, without the Conſent of her Huſband; if ſhe ſo gives away or ſells her Son, it is not approved; if ſhe hath her Huſband's Order to give away or ſell her Son, it is approved.

A Person cannot give away or ſell to any One the whole of his Property, without the Conſent of his Heirs; if he ſo ſells it, or gives it away, it is not approved; according to the Ordinations of *Pàcheſhputtee Miſr.*

If a Perſon, who hath an Heir alive, ſells or gives away the whole of his Property, the Sale or Gift is approved; but it is to be imputed a Crime in the Vender or Giver; according to the Ordinations of *Shertee Shàr:*—Approved.

During the Life-Time of an Heir, even if that Heir be willing, yet then a Perſon may not give away or ſell the whole of his Property; according to the Ordinations of ſome *Pundits*, whoſe Names are not expreſſed in the Compilation.

A Person ſhall not give to another any Thing pledged to himſelf; if he gives it away, or ſells it, it is not approved.

A Person ſhall not give to another any Thing committed in Truſt to himſelf; if he gives it away, or ſells it, it is not approved.

A Person, who hath borrowed any Thing from One Man, ſhall not give away the Thing ſo borrowed to another; if he ſo gives it away, or ſells it, it is not approved.

If

If a Man ſhall have told another, "I will give you this Thing as a Preſent," that Man ſhall not afterwards give away the ſame Thing to a Second; if he ſo gives it away, or ſells it, it is not approved.

*Second*, Of what is liable to be given *(i. e.) Deu:*

If a Man's Property and Poſſeſſions are more than will ſuffice to feed and clothe his Dependants, ſuch Overplus of Property and Poſſeſſions is liable to be given away; if there is not more than is neceſſary for ſuch Uſes, it is not liable to be given; if he gives it away, the Gift is not approved, and the Giver incurs a Blame.

If a Man hath told another, "I will give you ſuch a Thing," and afterwards doth not give it, he is in Danger of *Gehennum:* Alſo, if, after having given it, he takes back his Gift, in that Caſe, he goes to Hell.

If a Man, not knowing the Objection of Want of Caſt in another, hath promiſed to give him any Thing, and afterwards, upon diſcovering his Diſgrace, doth not give it, he is not in fault.

If a Man, having deſired of his own Free-Will to give any Thing to a *Bramin*, doth not give it, the Magiſtrate ſhall cauſe him to give the Thing ſpecified, with Intereſt, and ſhall alſo take from him a Fine.

*Third*, Of what hath been once given cannot be taken back *(i. e.) Duttà.*

If a Perſon pays Wages for Work which he hath cauſed to be done, he cannot take ſuch Wages back again.

If a Perfon, by a Difplay of his Abilities, gives another great Satisfaction, who, in confequence, makes him a Prefent, that Gift may not be taken back.

When a Man hath purchafed any Article, he muft, at all Events, pay the Price of it; and, after Payment, he fhall not have Power to take it back.

If a Perfon, upon the Marriage of his Son or Daughter, hath given any Thing, by way of Gratification, to the Son's Wife's Father's Family, or to the Daughter's Hufband's Father's Family, he fhall not have Power to take it back.

If a Man gives any Thing to another who hath conferred an Obligation upon him, he fhall not have Power to take back his Gift.

If a Man, to his own Satisfaction, hath given any Thing to another who deferved Favour, there is no Redemption.

If a Man, in the way of Amity, gives any Thing to his Friend, he hath not the Power of taking it back.

If a Man, out of Kindnefs, hath given ought to his Son, to his Grandfon, or to his Grandfon's Son, or any fuch Heir, he may not take it back again.

*Fourth*, Of Gift unapproved *(i. e.) Dutt.*

If a Man, from a violent Impulfe of Fear, gives any Thing to another, it is not approved.

If a Man, from a violent Impulfe of Anger, gives any Thing to another, it is not approved.

If

If a Man, from a violent Impulse of Lust, gives any Thing to another, it is not approved.

If a Man, from violent Impulse of Grief, gives any Thing to another Person, it is not approved.

If a Man, having determined in his own Mind to give One particular Thing to any Person, by Mistake gives another Thing instead, it is not approved (or valid.)

If a Man jestingly gives any Thing to another, it is not approved.

If a Man hath determined in his own Mind to give any Thing to One Person, and by Mistake gives it to another, it is not approved.

If a Man, without knowing it, gives any Thing to another, it is not approved.

If a Child, who cannot distinguish between Good and Evil, gives a Person any Thing, it is not approved.

If a Person, who cannot distinguish his own Good and Evil, gives a Person any Thing, it is not approved.

If a Son or Grandson, during the Life of the Father or Grandfather, or a Servant, while he hath a Master, gives away any Thing, it is not approved.

If a Man, who hath drunk Wine until he is intoxicated, should, during that Intoxication, give any Thing to another, it is not approved.

If an Idiot gives a Perſon any Thing, it is not approved.

If a Perſon, whoſe Relations are in abſolute Want of Food and Cloaths, gives any Thing to another, it is not approved.

If a Man ſays to another, "Do you perform myBuſineſs for me, and I will reward you for it," if that Perſon cannot do the Buſineſs, the other ſhall not give him any Thing; if he hath given him any Thing as Earneſt, he may take it back; if the Perſon will not return it, the Magiſtrate ſhall oblige him to Reſtoration, and ſhall fine him alſo Eleven Times as much.

If a Perſon, having declared, that he would give Something to another for a religious Account, ſhould die, his Sons ſhall give it; if it be not for a religious Account, they ſhall not give it.

If a Man ſays to another, "I will give you Something, if you can procure me a Witneſs on a falſe Teſtimony, in a certain Affair," then, even if the other produces a Witneſs on the falſe Teſtimony, the promiſed Gift ſhall not be made good; if it was given before the Execution of the Buſineſs, it may be taken back.

If a Man ſays to another, "I will give you Something, if you are able to apprehend a Thief, or a Murderer, or ſuch Kind of Criminals," then, even if the other ſhould apprehend and bring ſuch a Perſon, Nothing ſhall be beſtowed on that Account; if any Thing had been given before the Buſineſs, it may be taken back.

If any Perſon hath requeſted and received any Thing from another upon a religious Account, and doth not then fulfil that Act of Religion, that Perſon may

may take back the Thing given; if by Force, or out of Avarice, it be not returned, the Magiſtrate ſhall cauſe it to be given back, and ſhall take a Fine from the Detainer.

If a Perſon receives from another any of thoſe Things which are not liable to be given away, the Magiſtrate ſhall fine him.

CHAP.

# CHAP. VIII.

## Of Servitude.



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## SECT. I.

### *Of Appellations of Apprentices, Servants, Slaves, &c.*

Service is of Five Sorts, *viz.*

1. *Shish.*
2. *Antee Bàshee.*
3. *Bhertuk.*
4. *Adhegeerun Gerrut.*
5. *Doss.*

The First is when a Person is learning the Science of the *Beids*, or any other *Shaster*, he is called *Shish*; and, until he hath learned the Science, he shall perform Service for his Tutor; and, during the Time he remains in his Tutor's House to learn that Science, whatever Gain he may happen to acquire by such Science, his Tutor shall receive.

The

The Second is when a Perſon is learning Painting, or Deſigning, or Needle-Work, or any other ſuch Employment from an Inſtructor, he is called *Antee Bâſhee*; and while he is learning that Art, he ſhall perform Service for his Maſter; and while he remains in his Maſter's Houſe, until he ſhall have learnt that Art, during that Time, whatever Gain he may happen to acquire by ſuch Art, his Maſter ſhall receive; and if an Apprentice ſhould forſake his Maſter, who is without Fault, and ſhould go elſewhere to learn his Art, the Magiſtrate ſhall baniſh ſuch Apprentice from the Kingdom.

The Third is *Bhertuk*, which is Twofold; the Firſt *Arteh Bherut*, the Second *Bhook Bherut.*

1. When a Perſon, on receiving Wages, performs Service for it, that is called *Arteh Bherut.*

2. When a Perſon, peopling and cultivating the Lands of any other Man, takes a Part of the Crop, by way of Wages, or who, upon breeding-up, for another Perſon, Kine, Buffaloes, and ſuch Kind of Cattle, takes for his Wages the Milk, or ſome of the Kine and Buffaloes aforeſaid, that is called *Bhook Bherut.*

The Fourth is when a Man takes care of his Relations and Family, that is called *Adhegeerun Gerrut:* From Servants of theſe Four Kinds no undue Service ſhall be required; they ſhall be cauſed to perform only ſuch Duty as is ſuitable to their Caſt: Undue Service ſhall be performed by the *Doſs.* Undue Service is as follows: To ſweep and cleanſe the Houſe, the Court of the Houſe, the Doorway or Entrance, the Neceſſary, and other impure Places; and in Times of Sickneſs to attend upon and cleanſe the Patient, after the

 natural

natural Evacuations; and to take away the Excrements, and to rub the Feet: Except theſe Kinds of Service, all other Duty is ſuitable and due.

The Fifth is *Doſs*, or Slaves; and the *Doſs* is of Fifteen Species:

1. WHOEVER is born of a Female Slave, and is called *Gerhejàt.*

2. WHOEVER is purchaſed for a Price, and is called *Keereeut.*

3. WHOEVER is found anywhere by Chance, and is called *Lubdehee.*

4. WHOEVER is a Slave by Deſcent from his Anceſtors, and is called *Dayàvaupàkut.*

5. WHOEVER hath been fed, and hath had his Life preſerved by another during a Famine, and is called *Eenàkàl Behrut.*

6. WHOEVER hath been delivered up as a Pledge for Money borrowed, and is called *Ahut.*

7. WHOEVER, to free himſelf from the Debt of One Creditor, hath borrowed Money from another Perſon, and, having diſcharged the old Debt, gives himſelf up as a Servant to the Perſon with whom the preſent Debt is contracted; or whoever, by way of terminating the Importunities of a Creditor, delivers himſelf up for a Servant to that Creditor; and is called *Mookhud.*

8. WHOEVER hath been enſlaved by the Fortune of Battle, and is called *Joodeh Perràput.*

9. WHOEVER becomes a Slave by a Loſs on the Chances of Dice, or other Games, and is called *Punjeet*; according to the Ordinations of *Perkàſh-*

*kàr*

*kàr* and *Pàrreejaut*; and according to the Ordination of *Chendeeſur*; it is thus: That by whatever Chance he is conquered, and becomes a Slave, he is called *Punjeet*:—Approved.

10. Whoever, of his own Deſire, ſays to another, "I am become your Slave," and is called *Opookut.*

11. When a *Chehteree*, or *Bice*, having become *Sinaſſee*, apoſtates from that Way of Life, the Magiſtrate ſhall make him a Slave, and is called *Perberjà-beſheet.*

12. Whoever voluntarily gives himſelf as a Slave to another for a ſtipulated Time, and is called *Gheerut.*

13. Whoever performs Servitude for his Subſiſtence, and is called *Bhekut.*

14. Whoever, from the Deſire of poſſeſſing a Slave Girl, becomes a Slave, and is called *Berbàkrut.*

15. Whoever, of his own Accord, ſells his Liberty, and becomes a Slave, and is called *Beekreet.*

SECT.

## SECT. II.

### *Of the Modes of Enfranchising Slaves.*

Whoever is born from the Body of a Female Slave, and whoever hath been purchased for a Price, and whoever hath been found by Chance any-where, and whoever is a Slave by Descent from his Ancestors, these Four Species of Slaves, until they are freed by the voluntary Consent of their Masters, cannot have their Liberty; if their Master, from a Principle of Beneficence, gives them their Liberty, they become free.

Whoever, having received his Victuals from a Person during the Time of a Famine, hath become his Slave, upon giving to his Provider whatever he received from him during the Time of the Famine, and also Two Head of Cattle, may become free from his Servitude; according to the Ordinations of *Pàcheshputtee Misr*:—Approved. *Chendeesur*, upon this Head, speaks thus; That he who has received Victuals during a Famine, and hath, by those Means, become a Slave, on giving Two Head of Cattle to his Provider, may become free.

Whoever, having been given up as a Pledge for Money lent, performs Service to the Creditor, recovers his Liberty whenever the Debtor discharges the Debt; if the Debtor neglects to pay the Creditor his Money, and takes no thought of the Person whom he left as a Pledge, that Person becomes the purchased Slave of the Creditor.

Whoever, being unable to pay his Creditor a Debt, hath borrowed a Sum of Money from another Person, and paid his former Creditor therewith, and hath

hath thus become a Slave to the Second Creditor, or who, to ſilence the Importunities of his Creditor's Demands, hath yielded himſelf a Slave to that Creditor, ſuch Kind of Slaves ſhall not be releaſed from Servitude, until Payment of the Debts.

WHOEVER, by the Loſs of the Chance in any Game, and whoever, by the Fortune of War, is enſlaved, theſe Two Perſons, upon giving Two others equal to themſelves in Exchange, are releaſed from their Servitude.

IF the Slave of One Perſon goes to another, and of his own Deſire conſents to be the Slave of that Perſon, in this Caſe, he muſt ſtill be the Property of the Perſon to whom he was firſt a Slave:—The Mode of Releaſe for every Kind of Slave ſhall take place, according to the Ordination laid down for each.

A *Chehteree* and *Bice*, who, after having been *Sinaſſees*, apoſtate from that Way of Life, and are become the Slaves of the Magiſtrate, can never be releaſed.

IF a *Bramin* hath committed this Crime, the Magiſtrate ſhall not make him a Slave, but, having branded him in the Forehead, with the Print of a Dog's Foot, ſhall baniſh him the Kingdom.

WHOEVER hath yielded himſelf a Slave for a ſtipulated Time, upon the Completion of that Term, ſhall recover his Freedom.

WHOEVER performs a Servitude for his Subſiſtence ſhall recover his Freedom, upon renouncing that Subſiſtence.

WHOEVER, for the Sake of enjoying a Slave Girl, becomes a Slave to any Perſon, he ſhall recover his Freedom, upon renouncing the Slave Girl.

Whoever hath become a Slave, by ſelling himſelf to any Perſon, he ſhall not be free, until the Maſter of his own Accord gives him his Freedom.

If the Maſter, from a Principle of Beneficence, gives him his Liberty, he becomes free.

If a Thief, having ſtolen the Child of any Perſon, ſells it to another, or a Man, by abſolute Violence, forces another to be his Slave, the Magiſtrate ſhall reſtore ſuch Perſon to his Freedom.

If the Maſter of a Slave ſhould be in imminent Danger of his Life, and at that Time this Slave, by his own Efforts and Preſence of Mind, is able to ſave the Life of his Maſter, the Slave aforeſaid ſhall be freed from his Servitude, and be held as a Son; if he chooſes it, he may ſtay with his former Maſter; if he chooſes it, he ſhall quit that Place, and go where he will at Liberty.

Whoever is without a legitimate Child, and from the Seed of his own Body hath a Child from the Womb of a Slave Girl, that Girl, together with her Son, becomes free.

When any Perſon, from a Principle of Beneficence, would releaſe his Slave, the Mode of it is this; The aforeſaid Slave ſhall fill a Pitcher with Water, and put therein *Berenge-àrook* (Rice that has been cleanſed without boiling) and Flowers, and *Doob* (a Kind of ſmall Salad) and, taking the Pitcher upon his Shoulder, ſhall ſtand near his Maſter; and the Maſter, putting the Pitcher upon the Slave's Head, ſhall then break the Pitcher, ſo that the Water, Rice, Flowers, and *Doob*, that were in the Pitcher, may fall upon the Slave's Body; after that, the Maſter ſhall Three Times pronounce the Words, "I have made you free;"

upon

upon this Speech, the Slave aforefaid fhall take fome Steps towards the Eaft, whereupon he fhall be free.

Whoever hath become a Slave to any Perfon, that Mafter is Proprietor of any Property that Slave may acquire, exclufive of the Price of his own Slavery, and exclufive alfo of any Thing which may be given to him as a Prefent.

## S E C T. III.

### *Of fuch as are Slaves, and of fuch as are not Slaves.*

If the Slave of any Perfon marries a Woman, that Woman becomes the Slave of the fame Mafter, unlefs fhe be the Slave of any other Perfon.

If that Woman be the Slave of any Perfon, and her Mafter gives Confent to the Marriage, in that Cafe alfo, fhe becomes the Slave of her Hufband's Mafter.

A Man of a fuperior Caft, if he is upright and fteady in the Principles of that Caft, can never be the Slave to a Man of an inferior Caft.

Slaves are made of the Three Cafts of *Chehteree*, *Bice*, and *Sooder*; a *Bramin* can never be a Slave.

If a *Chehteree*, a *Bice*, or a *Sooder*, caufe a *Bramin* to become a Slave, the Magiftrate fhall exact a Fine from them of One Thoufand One Hundred *Puns* of *Cowries.*

A *Bramin* cannot caufe another *Bramin* to become a Slave; but the *Bramin*, who is learned in his Science, may caufe an unlearned *Bramin* to perform all

proper

proper Service for him, exclusive of those undue Services above described; and he who is well grounded in Science may also cause such due Services to be performed, by those who are unprincipled in Science; according to the Ordinations of *Pàrreejaut* and *Helàyoodeh*:—Approved.

*Lukkee Deher*, upon this Head, speaks thus, That whoever, being a *Bramin*, acts like a *Chehteree*, a *Bice*, or a *Sooder*, such Kind of *Bramin* must never cause other *Bramins* to perform Duty or Service for him.

If any Person obliges a learned *Bramin*, against his own Consent, to perform Labour and Service, the Magistrate shall fine him Six Hundred *Puns* of *Cowries*.

If a *Bramin* hath purchased a *Sooder*, or even if he hath not purchased him, he may cause him to perform Service.

The *Chehteree*, *Bice*, and *Sooder*, may each cause their respective Casts to perform Service; as a *Chehteree* may employ another *Chehteree*, a *Bice* may employ another *Bice*, and a *Sooder* may employ another *Sooder*: As also a superior Cast may employ the inferior Cast; as a *Bramin* may employ a *Chehteree*, a *Chehteree* may employ a *Bice*, and a *Bice* may employ a *Sooder*.

If a Man sells the Wife of a *Bramin* to any Person, or keeps her to himself, it is not approved; the Magistrate shall release the Woman, censure the Vender, and hold him amenable.

If a Person, in Time of Calamity, sells his Slave Girl to another Person, without her Consent, the Magistrate shall fine the Vender Two Hundred *Puns* of *Cowries*.

A Woman, who is of good Character and Behaviour, and who, coming to a Perfon's Houfe, fixes her Abode there, fhall not be obliged to perform any Labour or Service, nor fhall fhe be delivered over to any Perfon; if fhe be obliged to perform Service, or be delivered over to any other Perfon, the Magiftrate fhall exact a Fine from the offending Party, and releafe the Woman.

If a Man commits Fornication with the Nurfe who brought him up, the Magiftrate fhall fine him Two Hundred and Fifty *Puns* of *Cowries*.

If a Woman, impelled by any Calamity, fhould come to any Perfon, and remain with him, if he commits Fornication with that Woman, the Magiftrate fhall fine him Two Hundred and Fifty *Puns* of *Cowries*.

# CHAP. IX.

## *Of Wages.*



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## SECT. I.

### *Of the Wages of Servants.*

WHATEVER Wages were promiſed to a Servant, at the Time of his being hired, according to that Promiſe, Wages ſhall be paid.

IF a Man hath hired any Perſon to conduct a Trade for him, and no Agreement is made in regard to Wages, in that Caſe, the Perſon hired ſhall receive One Tenth of ſuch Profit.

IF a Man hath hired any Perſon to attend his Cattle, and no Agreement is made in regard to Wages, in that Caſe, the Perſon hired ſhall receive One Tenth of the Milk produced by the Cows.

IF a Man hath hired any Perſon for the Buſineſs of Agriculture (excluſive of driving the Plough) and no Agreement is made in regard to Wages, that Perſon ſhall receive One Tenth of the Crop produced.

WHERE

Where ſeveral Perſons are employed in the Execution of One Piece of Buſineſs, of the whole Wages paid for ſuch Work, they ſhall each receive a reſpective Proportion, according to the Difference of their Aſſiduity.

If a Perſon hired for the Buſineſs of Agriculture ſhould abſcond, the Magiſtrate ſhall cenſure him, and take a Fine from him.

If a Perſon, receiving his Victuals in the Houſe of his Maſter, performs the Buſineſs of plowing the Ground, and no Wages are ſtipulated, in that Caſe, whatever Crop is produced from that Ground, the Perſon ſo employed ſhall receive One Fifth of that Crop; if he does not receive his Victuals at the Houſe of his Maſter while he performs the Buſineſs of ploughing, he ſhall receive One Third.

If a Perſon, who is hired to bring up any domeſtick Animals or Birds, ſhould abſcond, the Magiſtrate ſhall hold him amenable, and ſhall cenſure him.

If a Perſon, having received his Wages, doth not perform the Buſineſs for which he was hired, and at the ſame Time is not ſick, the Magiſtrate ſhall cauſe him to give back to his Maſter whatever Wages he may have received, and ſhall fine him in Double of that Sum.

If a Perſon, not having agreed for Wages at the Time of being hired, ſhall have performed the Buſineſs allotted him, upon which Buſineſs no Profit whatever ſhould ariſe, in that Caſe, according to the Wages that other People in the ſame Kingdom receive for the ſame Kind of Buſineſs, he alſo ſhall receive Wages at the ſame Rate from his Maſter.

If a Perſon, not receiving his Wages, but making a Stipulation for the Payment and Proportion of them, is employed upon any Buſineſs, and, during the Time of ſuch Employment, abſconds from his Buſineſs, without the Plea of Sickneſs, or any Calamity, the Magiſtrate ſhall fine him in whatever Sum was agreed upon for his Wages.

If a Perſon, being hired to perform any Buſineſs, ſhould forſake that Buſineſs, at a Time when but little of it remains unfiniſhed, without the Plea of Sickneſs, or any Calamity, he ſhall not receive any Wages.

If a Perſon, hath given another a Promiſe, ſaying, " I will execute your Buſineſs," and at the ſame Time neglects to begin it, and, without the Plea of Sickneſs, or any Calamity, afterwards ſhould ſay, " I ſhall not be able to execute your Buſineſs," in that Caſe, the Magiſtrate ſhall cauſe him to perform the Buſineſs; if, after the Order of the Magiſtrate, that Perſon ſtill neglects to execute the Buſineſs, the Magiſtrate ſhall fine him Eight Gold Coins, and, without giving him any Wages, ſhall oblige him to perform the Work agreed for.

If a Perſon, being allotted the Execution of any Work, ſhould fall ſick after he has begun the Work, and afterwards, upon his Recovery, goes on with the Performance of the Buſineſs, he ſhall receive Wages alſo for the Time of his Sickneſs.

If a Man, by the Fault of his Maſter, forſakes his Service, in that Caſe, he ſhall receive proportionate Wages for whatever Number of Days he continued in the Service.

If a Servant, by his own Fault, ſpoils any Thing belonging to his Maſter, that Servant ſhall make it good; but if that Thing be ſpoiled by any unexpected Calamity, or Innovation of the Magiſtrate, the Servant ſhall not pay for it.

If a Perſon, without any Fault committed by his Servant, diſcharges the Servant, the Magiſtrate ſhall take from that Perſon One Hundred *Puns* of *Cowries*, and cauſe him to pay the Servant his Wages.

If a Servant maliciouſly hurts the Property of his Maſter, he ſhall give Twice as much to the Magiſtrate for a Fine, and make good the Property of his Maſter.

If a Servant, at the Command of his Maſter, commits Theft, or Murder, or any ſuch Crimes, in that Caſe, it is not the Fault of the Servant, the Maſter only is guilty.

If a *Beopàry*, hiring a Perſon to go to any ſpecified Place, takes him along with himſelf, and the *Beopàry*, having ſold all his Goods on the intermediate Road, diſcharges that Perſon, in that Caſe, he ſhall give him Wages for whatever Part of the Road he hath gone; and as to the Part of the Way agreed upon, which remains untravelled, he ſhall give him Half of the ſtipulated Wages for that Part; and, if, as they are on their Journey to the Place ſpecified, any Perſon ſhould hinder the *Beopàry* from carrying his Goods, or ſhould ſteal them, in that Caſe, the Perſon hired ſhall receive Wages for that Part of the Journey already accompliſhed, and for what remains unperformed, he ſhall receive Nothing.

If a Perſon, going on a Journey, takes another with him, and this Perſon ſhould fall ſick upon the Road, or is unable to travel on Account of Fatigue, in that Caſe, the Perſon who took him ſhall remain Three Days upon the Spot, in waiting for him; if he does not thus wait for him, the Magiſtrate ſhall fine him.

If a Perſon, without receiving Wages, or Subſiſtence, or Cloaths, attends Ten Milch Cows, in that Caſe, he ſhall ſelect, for his own Uſe, the Milk of that Cow, whichever produces the moſt; and if he attends more Cows than thoſe, he ſhall take Milk, after the ſame Rate, in lieu of Wages.

If a Perſon attends One Hundred Cows, for the Space of One Year, without any Appointment of Wages, in that Caſe, by way of Wages, he ſhall take to himſelf One Heifer of Three Years old; and alſo, of all thoſe Cows that produce Milk, whatever the Quantity may be, after every Eight Days, he ſhall take to himſelf the Milk, the entire Produce of One Day.

If a Perſon attends Two Hundred Cows, for the Space of One Year, without Appointment of Wages, in that Caſe, after every Eight Days, he ſhall take to himſelf the Milk, the entire Produce of One Day; and alſo, by way of Wages, One Cow in Milk, and her Calf.

Cattle ſhall be delivered over to the Cowherd in the Morning; the Cowherd ſhall tend the Herd the whole Day with Graſs and Water, and in the Evening ſhall redeliver them to the Maſter, in the ſame Manner as they were intruſted to him; if, by the Fault of the Cowherd, any of the Cattle are hurt or ſtolen, that Cowherd ſhall make them good.

When

When a Perſon is employed, Night and Day, in attending Cattle, if One of them, by his Fault, ſhould be hurt, he ſhall make it good.

If a Thief takes away, by Violence, a Cow or a Buffaloe, in the Owner's Sight, and the Cowherd, as ſoon as he knows the Circumſtance, makes a violent Outcry, but is not able to preſerve them, it is not to be imputed the Fault of the Cowherd; and, if in that Country, or in that particular Spot, any Calamity ſhould happen, during which Time the domeſtick Animals come to any Damage, it is not to be imputed the Fault of the Cowherd, the Loſs ſhall fall upon the Owner.

If a Cowherd drives away any Cows, Buffaloes, and ſuch Kinds of Cattle, to feed, or on any Account carries them to another Place, he ſhall guard thoſe Cattle, to the utmoſt of his Power, from any Accident of Flies, Thieves, Tigers, Pits, Rocks, or any ſuch Kind of Misfortune; if he is unable to protect them from theſe Accidents, he ſhall, with a loud Voice, give Notice to the People there, or to the Owner of the Cattle; if he does this, no Fault lies upon the Cowherd; but if he neglects to act in this Manner, he ſhall make good the Cattle, and the Magiſtrate ſhall fine him Thirteen *Puns* of *Cowries*.

If a Cowherd ſhould go to his own Houſe, or to any other Place, and leave any ſick Cattle upon the Plains, the Magiſtrate ſhall cenſure him.

If a Cow, or Buffaloe, or any ſuch Kind of Cattle, ſhould die of any Sickneſs, while the Cowherd, knowing the Remedy proper for ſuch Sickneſs, neglected to adminiſter it, the Magiſtrate ſhall cenſure him, and cauſe him to give ſuch an Animal to the Owner of the Herd; he ſhall alſo fine him Thirteen *Puns* of *Cowries*, and cauſe the proportionate Part of his Wages to be paid him.

When

When a Cowherd hath led the Cattle to a diſtant Place to feed, if it happens, that One, or Two, or more of thoſe ſhould die of ſome Diſtemper, notwithſtanding the Cowherd applied the proper Remedy, in that Caſe, the Cowherd ſhall carry the Head, or Tail, or Fore or Hind Foot, or ſome ſuch convincing Proof taken from that Animal's Body, to the Owner of the Cattle; having done this, he ſhall be no farther anſwerable; if he neglects to act thus, he ſhall make good the Loſs.

## S E C T. II.

### *Of the Wages of Dancing Women or Proſtitutes.*

If a Proſtitute, after having received Hire from any Perſon, neglects to go to him, whatever Money ſhe received, ſhe ſhall return back Twice as much; but if the Perſon who hired her does not require her Attendance, in conſequence, the Money he hath given her ſhall not be returned.

If a Proſtitute or Dancing Woman, having, at her own Requeſt, received Hire from any Perſon, ſhould be ſick, fatigued with any Buſineſs, or melancholy on Account of any Calamity, or in waiting upon the Buſineſs of the Magiſtrate, at ſuch Times, if the Perſon aforeſaid requires her Attendance, and the Proſtitute is unable to go, it is not her Fault; but, after her Recovery, or after the Termination of the Calamity, or after Diſmiſſion from the above-mentioned Buſineſs, ſhe ſhall attend him; if ſhe then neglects to go, ſhe ſhall give back Double of the Hire ſhe received.

If a Perſon, having ſettled the Sum to be given, hath hired a Proſtitute, and attempts to commit any unnatural Act with her, he ſhall give her Eight Times

Times the Sum ſtipulated, and pay a Fine alſo of Eight Times as much to the Magiſtrate.

If any Perſon verbally agrees with a Proſtitute, and ſays, "I will employ you," and gives her Hire upon his own Account, but afterwards, inſtead of employing her himſelf, cauſes ſeveral other Men to enjoy her, in that Caſe, he ſhall pay her Eight Times as much as the Sum ſtipulated, and pay a Fine alſo of Eight Times as much to the Magiſtrate.

If a Man hath mentioned One particular Perſon's Name to a Proſtitute, and, having given her a ſtipulated Hire in that Perſon's Name, carries her to another Man, the Magiſtrate ſhall fine that Man One *Màſheh of Gold* ($\frac{1}{12}$ of *Aſkrufie.)*

If a Man, having agreed with a Proſtitute for her Hire, goes to her accordingly, and afterwards does not pay her the ſtipulated Sum, then whatever Hire he had agreed to give, he ſhall pay Double of that Sum to the Woman, and a Fine alſo of Double of the ſame Sum to the Magiſtrate.

If a Perſon, having agreed for the Hire of a Proſtitute to himſelf, takes a Number of Men with him to thatProſtitute, and there enjoys her, in that Caſe, whateverHire he had agreed to pay, he ſhall give her Double of ſuch Hire for every Perſon whom he carried with him; and in like Manner ſhall pay Double of ſuch Hire for every ſingle Perſon to the Magiſtrate as a Fine.

If a *Bherooàh* (*i. e.*) a Pimp or attendant Muſician upon Proſtitutes, and a Proſtitute have any Diſpute, the Miſtreſs of the Girl ſhall ſettle the Diſpute.

# CHAP. X.

## *Of Rent and Hire.*

If a Perſon, paying Rent and Hire, builds a new Houſe upon the Lands of any Stranger, and lives there, in that Caſe, whenever he quits that Place, and pays up his Rent without a Balance, he may do what he pleaſes with the Houſe.

If a Perſon, without paying Rent, builds a new Houſe upon the Lands of a Stranger, and lives there, in that Caſe, at the Time he quits that Place, he may not diſpoſe of the Houſe at his own Pleaſure; the Owner of the Land ſhall alſo become Owner of the Houſe.

If a Perſon hath hired any Thing for a ſtipulated Time, he ſhall pay the Rent accordingly.

If a Perſon hath hired any Thing from another, he ſhall continue to pay the Hire for it, until he returns it to the Owner.

If a Perſon hath hired any Thing from another, and does not apply to any Uſe the Things hired, he muſt pay the Rate of Hire for it, and be held to return it to the Owner.

If a Perſon, having agreed for the Rent of the Water of a Pool, or of the Water of a Well, or of the Water of a River, or of a Houſe, does not pay it, the Magiſtrate ſhall cauſe ſuch Rent and Hire to be paid.

If a Perſon hath hired any Thing from another, and the Thing ſo hired, without any unexpected Calamity, or Innovation of the Magiſtrate, be ſpoiled by the Fault of that Perſon, he ſhall make it good; if it be damaged by any natural Accident, or by the Innovation of the Magiſtrate, he ſhall not make it good.

CHAP.

# C H A P. XI.

## *Of Purchaſe and Sale.*



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### S E C T. I.

### *Of the Vender's not delivering up to the Purchaſer the Commodity ſold, and of the Magiſtrate's cauſing him to deliver it.*

If a Perſon hath ſold to any One, Glebe Land, or Houſes, or any ſuch Property, and, having received the due Value for it, forcibly detains the Premiſes ſold, and himſelf expends the Profit ariſing upon them, upon the Purchaſer's laying a Complaint of this Nature before the Magiſtrate, that Magiſtrate ſhall cauſe the purchaſed Premiſes, and alſo the Profit accruing upon them, to be delivered over to the Purchaſer; and if, at the Time of entering upon the Premiſes, the Price has fallen, with reſpect to the Time when the Purchaſe was made, he ſhall cauſe ſuch Overplus of Price alſo to be given back to the Purchaſer, by the Vender; but, if the Price hath riſen, the Vender ſhall not receive ſuch Difference of Price, and the Magiſtrate ſhall alſo fine the Vender One Hundred *Puns* of *Cowries.*

If

If a Perſon ſells any Thing, except Glebe Land, to any One, and, having received the due Value, forcibly detains the purchaſed Commodity, and himſelf expends the Profits ariſing upon it, upon the Purchaſer's carrying a Complaint of this Nature before the Magiſtrate, that Magiſtrate ſhall cauſe the Commodity bought to be delivered over to the Purchaſer; and alſo whatever Profit thereupon accruing, which the Seller has applied to his own Uſe; and if, at the Time of delivering up the Purchaſe, the Price of ſuch Commodity has fallen, with reſpect to the Time when the Purchaſe was originally made, the Vender ſhall alſo make good ſuch Difference of Price, and ſhall pay to the Magiſtrate a Fine of One Hundred *Puns* of *Cowries.*

If a Perſon, having ſold any Thing to a Merchant who is gone into another Country to trade, hath received the due Value for it, and then forcibly detains the purchaſed Commodity, in that Caſe, upon the Merchant's preferring a Complaint of this Nature to the Magiſtrate, that Magiſtrate ſhall cauſe the purchaſed Commodity to be delivered to the Buyer; and alſo whatever the preſent Profit falls ſhort of that Profit which the Merchant would have gained by ſelling it in another Kingdom, at the Time of his making the Purchaſe, the Magiſtrate ſhall cauſe that Difference alſo to be made good to the Purchaſer, and ſhall likewiſe take to himſelf, as a Fine, One Hundred *Puns* of *Cowries:* This Ordination is according to *Beebà-dur Tunnàgurkàr:* —Approved.

If a Perſon hath purchaſed any Thing with Agreement to take away the Goods the ſame Day, and hath ſettled a Day of Payment, and the Vender alſo conſents to this; yet does not deliver up the Goods on the Purchaſer's Demand, upon the Purchaſer's preferring a Complaint of this Nature to the Magiſtrate, that Magiſtrate ſhall cauſe ſuch Goods to be delivered to the Purchaſer, and ſhall alſo make the Vender give up whatever Advantage he may have enjoyed, ariſing from the Goods ſo detained, and ſhall fine him moreover

One Hundred *Puns* of *Cowries*; but the Purchaſer ſhall be held to pay according to the Stipulation; nevertheleſs, if, with reſpect to the Time of the Purchaſe, the Price is ſince fallen, the Vender ſhall make it good.

If a Perſon, having purchaſed any undamaged Commodity, afterwards returns it back to the Vender, at whatever Price the Purchaſe was made, the Vender ſhall detain One Tenth of ſuch Price, and return the other Nine Parts to the Purchaſer, receiving back at the ſame Time the purchaſed Goods.

If any Perſon hath ſold any Commodity to another, and does not deliver up ſuch Commodity to the Purchaſer upon his Demand, after which the Commodity receives any Damage, the Vender ſhall make it good.

If a Perſon hath ſold any Commodity to another, and the Purchaſer doth not make demand for the Goods purchaſed, which Goods are afterwards damaged by the Vender's Fault, the Vender ſhall make good the Loſs; but if the Damage ariſes from any Calamity of the Seaſon, or from any Innovation of the Magiſtrate, the Vender ſhall not make good the Loſs.

If a Perſon, producing to another a Commodity without Blemiſh, and, having ſtipulated for a Price according to the Value of ſuch Commodity, afterwards gives to the Purchaſer damaged Goods, in that Caſe, the Magiſtrate ſhall cauſe the Vender to give Double of ſuch Price to the Purchaſer, and himſelf alſo ſhall take from the Vender Double of ſuch Price as a Fine.

If a Perſon, conſcious of a Blemiſh in his Goods, conceals that Blemiſh when he ſells thoſe Goods, in that Caſe, the Magiſtrate ſhall cauſe the Vender to give Double of the Price of the Goods to the Purchaſer, and himſelf alſo ſhall take from him the ſame Sum as a Fine.

If Idiots, or Perfons rendered fenfelefs by Intoxication, or Men who cannot diftinguifh between their own Good and Evil, fell any Thing, it is not approved; if they will take fuch Commodity back again, they are authorized.

In each particular Seafon, every Commodity has its particular Price; if a Perfon, under the Influence of Fear, fells any Commodity remarkably under Value, with refpect to the Seafon, it is not approved; and, if he will take it back again, he is authorized.

If a Man, having fold a Commodity to one Perfon, afterwards fells the fame Commodity to another, the Magiftrate fhall caufe him to give Double of fuch Commodity to the Firft Purchafer, and himfelf alfo fhall take the fame Sum as a Fine.

If a Perfon hath fold any Thing to another, with Agreement to deliver up the Purchafe on a ftipulated Day, and, upon his tendering the Goods on that Day accordingly, the Purchafer refufes to receive them, the Vender, in that Cafe, may difpofe of them elfewhere: In this Cafe, the Vender is not in fault; and, if, on the Second Sale, any Lofs fhould accrue to the Vender, the Firft Purchafer fhall make it good.

If a Perfon, without Agreement of Price, hath delivered to another any Goods, under the Name of Selling, faying, "I will receive the Value of them," and afterwards a Difpute fhould arife concerning the Price, then, whatever was the current Price of fuch Commodity, at the Time of the Purchafe, according to the Price at that Period, the Arbitrators appointed by the Buyer and Vender fhall terminate the Difpute.

SECT.

## SECT. II.

### *Of Returning, or not Returning Articles purchaſed.*

If a Perſon hath bought the Seeds of *Paddee*, of Wheat, Barley, *Mauſh*, *Doll*, *Gràm*, Muſtard-Seed, or ſuch Kinds of Grain, without Inſpection, and in Ten Days diſcovers any Defect in that Grain, he may return ſuch Grain, within that Space of Ten Days; if Ten Days are paſt, he ſhall never afterwards return it; if he inſpected the Grain at the Time of Purchaſe, he then ſhall not have Power to return it, even within the Space of Ten Days.

If a Perſon buys Iron, without Inſpection, and afterwards diſcovers a Defect in that Iron, he may return it back within the Space of One Day; if he inſpected it at the Time of Purchaſe, he ſhall never afterwards return it; and alſo, if One Day is paſt, he ſhall not afterwards return it, though not inſpected at the Time of Purchaſe.

If a Perſon hath bought of any One, Pearls, Coral, or Diamonds, or any other Species of Precious Stones, without Inſpection, and in Seven Days diſcovers any Defect in them, he may return them within that Space of Seven Days; if Seven Days are paſt, he ſhall never afterwards return them; if he inſpected them at the Time of Purchaſe, he ſhall not have Power to return them, even within the Space of Seven Days.

If a Perſon hath purchaſed a Slave Girl of any One, and within a Month diſcovers any Defect in that Girl, he may return her within that Space of One Month; if One Month be paſt, ſhe never afterwards ſhall be given back; and, if the Purchaſe was made upon Inſpection, ſhe ſhall not be returned, even within the Space of One Month.

If

If a Perſon purchaſes of any One, Camels, Bullocks, Aſſes, or ſuch Kinds of Beaſts of Burthen, and in Five Days any Defect ſhould be found in them, they may be returned within that Space of Five Days; if Five Days are paſt, they muſt never be returned; if they were inſpected at the Time of Purchaſe, the Purchaſer ſhall not have Power to return them, even within Five Days.

If a Perſon, without Inſpection, purchaſes of any One, Cows, or Cow Buffaloes in Milk, and any Defect is found on them in Three Days, they may be returned within that Space of Three Days; if Three Days are paſt, they muſt never afterwards be returned; if the Purchaſe was made upon Inſpection, the Purchaſer ſhall not have Power to return them, even within Three Days.

If a Perſon hath bought a Slave of any One, and in Fifteen Days any Defect be found in him, he may be returned within that Space of Fifteen Days; if Fifteen Days are paſt, he can never afterwards be returned; if he was inſpected at the Time of Purchaſe, he may not be returned, even within Fifteen Days.

If a Perſon hath bought Graſs, or Fuel-Wood, or Bricks, or *Paddee*, or Wheat, or Barley, or any other Grain, or Wine, or Honey, or *Ghee*, or Sugar, or Candy, of the Species of Sweet, or Round Pepper, or Long Pepper, of the Species of Bitter, or *Hurreh*, or *Beheerreh*, and other Things, of the Species of *Affus*, or Aſtringent, or *Shaddock*, or Tamarinds, and other Things, of the Species of Acid, or Salt, or Cloth, or Gold, or Copper, or Tin, or Tutenague, or White Copper, or Braſs, and any Defect ſhould be found in them the ſame Day, they may be returned within the Space of that Day; if that Day be paſt, they can never afterwards be returned; if the Purchaſe was made on Inſpection, they muſt not be returned, even within the ſame Day.

If a Man purchaſes old Cloaths, he muſt never return them.

If a Perſon, who is always employed in buying and ſelling various Sorts of Commodities, and is well ſkilled in that Buſineſs, ſhould purchaſe any Thing, he ſhall not at any Time have Power to return it upon a Diſcovery of a Defect.

# CHAP. XII.

## *Of Boundaries and Limits.*

To ascertain Boundaries, upon the Confines of those Boundaries must be planted the Male and Female *Banyan* Tree, or the *Plâss* Tree, or the *Seemul* (Cotton Tree) or the *Saul*, or the *Toddy* Tree, or the *Zukkoom* Tree, or the *Luttà* Tree, or the *Bamboo*, or a Mound of Earth must be made, or any large Tree, that produces not a great Number of Branches, must be planted; or by a Pool, a Well, a Bason, a Ditch, or any such Signs above-mentioned, shall the Boundaries be openly described; or a Temple shall be built there to *Shàghur* *(i. e.)* their Deity.

Dust, or Bones, or *Seboos (i.e.)* Bran, or Cinders, or Scraps of Earthen Ware, or the Hairs of a Cow's Tail, or the Seed of the Cotton Plant, all these Things above-mentioned, being put into an Earthen Pot, filled to the Brim, a Man must privately bury upon the Confines of his own Boundary, and there preserve Stones also, or Bricks, or Sea Sand, either of these Three Things may be buried, by way of Land-Mark of the Limits; for all these Things, upon remaining a long Time in the Ground, are not liable to rot, or become putrid; any other Thing also, which will remain a long Time in the Ground, without becoming rotten, or putrid, may be buried for the same Purpose: Those Persons, who, by any of these Methods, can shew the Line of their Boundaries, shall acquaint their Sons with the respective Land-Marks of those Boundaries; and in the same Manner those Sons also shall explain the Signs of the Limits to their Children: If all Persons would act in this Manner, there could be no Dispute concerning Limits and Boundaries.

If a Suit, for the Limits of Ground, ſhould ariſe, the Magiſtrate, having inſpected the open and private Land-Marks above deſcribed, ſhall ſettle the Suit; if any Doubt or Perplexity ſhould intervene, the Plaintiff and Defendant ſhall produce to the Magiſtrate their reſpective Accounts of Poſſeſſion, under Proof, and the Suit of Boundaries ſhall be ſettled: If alſo there is no Land-Mark, and they cannot prove their reſpective Poſſeſſions, then the Plaintiff ſhall find out ſome old Men, well acquainted with the Boundaries, or the Perſon who firſt marked out the Spot, and ſettle the Diſpute by their Means; but the Diſpute of Limits ſhall not be ſettled by the Teſtimony of only One experienced Perſon, it ſhall not be determined by leſs than the Teſtimony of Four Perſons.

If both the Plaintiff and the Defendant approve of ſome old and experienced Men for giving Teſtimony, in regard to the Settlement of a Diſpute for Boundaries, then the Magiſtrate, or Arbitrator, ſhall queſtion ſuch Perſon as the Plaintiff and the Defendant have approved; and he, putting on a Red Necklace, and Red Cloaths, ſhall relate the true Circumſtances of the Boundaries; if, after the Teſtimony of theſe Perſons, the Suit is ſtill undetermined, then the Magiſtrate ſhall ſelect, and put the ſame Queſtions, to Four or Ten Perſons of thoſe who break up Faggot-Wood conſtantly in thoſe Parts, or who are Hunters, or who, after the Grain is reaped, glean what is on the Ground; and theſe ſhall lay their Heads upon the Ground, making the due Reverences, and putting on Red Necklaces, and Red Cloaths, ſhall relate what they know of the Affair, ſaying, "If we give falſe Witneſs, may our good Actions all be reverſed." In a Diſpute concerning Boundaries, a ſingle Perſon ſhall not give Teſtimony; but if the Plaintiff and Defendant join in approving a ſingle Perſon, the Magiſtrate ſhall queſtion him; and that Perſon, faſting for One whole Day, and putting on a Red Necklace, and Red Cloaths, with

with the due Reverences of laying his Head to the Ground, ſhall give his Teſtimony.

The Magiſtrate ſhall not ſettle a Diſpute concerning Boundaries by the Teſtimony of a Perſon of bad Principles; if the Suit cannot be ſettled by Means above-mentioned, then the Magiſtrate ſhall go in Perſon to the Boundaries in Diſpute, and inquire the Truth of the Affair from the Men in the Village, who were born in that Village, and who are well acquainted with the Boundaries; and thoſe alſo who are gone to any other Part of the Country he ſhall ſummons, and, having upon Inquiries learnt the Truth from them, he ſhall ſettle the Diſpute.

If the Magiſtrate, from Anger or Avarice, or any other bad Principle, gives the Land owned by one Perſon to another, it is not approved.

In a Place where there is any Diſpute concerning the Boundaries of Villages, the Diſpute concerning ſuch Boundaries ſhall be ſettled by applying to the Men of Credit and Experience there; if there is a Diſpute concerning Tillage, the Diſpute ſhall be ſettled by applying to the Farmers in the Neighbourhood; and if there is a Diſpute for the Ground on which a Houſe ſtands, the Diſpute ſhall be ſettled by applying to the Perſons dwelling in the Neighbourhood of that Houſe; if there are none of theſe, nor any Witneſs, nor any Land-Mark of the Boundary, nor any Account of the Uſufruct, in that Caſe, the Magiſtrate ſhall mark out the Boundaries, according to his own Pleaſure, and the Plaintiff and the Defendant ſhall both approve of the Deciſion; whichever of them ſhall not approve, the Magiſtrate ſhall fine him.

In a Place where Two Villages lie on the Two Banks of a River, if, from that River, a *Nullah* ſhould ſpring out, which, after making an Elbow into the Land, returns again to the River, and ſome Glebe Land ſhould remain fixed

in its original Situation, between that Elbow of the *Nullah* and the main River, in ſuch a Caſe, the Glebe Land ſhall ſtill belong to the Village that originally poſſeſſed it.

In a Place where there is a River, the Two Banks of which are Boundaries to the Eſtates of Two Perſons, if that River ſhould break off ſome Part of the Bank on one Side, and carry it over to the other, then the Owner of that Boundary, upon which the other broken Bank hath fallen, ſhall become Proprietor of that Bank ſo broken, and the Perſon whoſe Bank is ſo divided ſhall no longer have any Property therein: If the River breaks off the whole of a Perſon's Land, and carries it over to the Boundaries of another Perſon, in that Caſe, the Perſon whoſe whole Ground is thus torn away ſhall ſtill be the Owner thereof, and the Perſon upon whoſe Boundary ſuch Land hath fallen ſhall not be entitled to Poſſeſſion thereof.

If a Perſon, not being real Owner of any Land, ſhould, by any fraudulent Means, get Poſſeſſion of ſome Land, the Magiſtrate ſhall take from him that Land, or give it to ſome other Perſon (he is authorized ſo to do) and that Perſon ſhall not have Power to cauſe any Let or Moleſtation.

If a Perſon hath built a new Houſe upon the waſte Ground, and hath occupied it, then, if a powerful Man ſhould erect a Manſion upon the ſame Place, and ſhould join to his own Buildings the Spot of Ground occupied by the other, it is not approved.

Whatever Pool, or Well, a Perſon hath occupied, from the Commencement of building his Houſe, another Perſon cannot afterwards prohibit him from uſing.

If

If a Man hath had a Window in his own Premifes, another Perfon, having built a Houfe very near to this, and living there with his Family, hath no Power to fhut up that Man's Window; and, if this Second Perfon would make a Window in his own Houfe, on the Side of it that is towards the other Man's Houfe, and that Man, at the Time of his conftructing fuch Window, forbids and impedes him, he fhall not have Power to make a Window; if, after the Window is finifhed, the other Perfon fhould caufe him any Trouble, the Magiftrate fhall take a Fine from that Perfon, without caufing the Window aforefaid to be fhut up.

If the Drain of a Man's Houfe hath, for a long Series of Time, paffed through the Buildings belonging to another Perfon, that Perfon fhall not give any Impediment thereto; but if that Perfon caufed any Impediment at the firft Commencement of fuch Drain, then the other fhall not have Power to carry his Drain that Way; if that Perfon, at the Commencement of the Drain, gave no Interruption, yet afterwards caufes the other any Trouble, he fhall be amenable to the *Sircar* of the Magiftrate.

If a Man hath made a lofty Building for a Seat, and goes up thither to fit, then, if, at the Time of the Commencement of the aforefaid Building, none of his Neighbours gave him any Impediment, they fhall not afterwards have Power to moleft him; if afterwards they impede and caufe him any Trouble, they fhall be amenable to the Magiftrate.

Any Houfe, which hath a Door in each of the Four Sides, if, at the firft building of the Houfe, no Perfon gave any Impediment to the Conftruction of fuch Doors, and yet fhould afterwards attempt to impede, he fhall not have Power to do it; if he fhould then give the Owner of the Houfe any Trouble or Moleftation, he fhall be amenable to the Magiftrate.

If,

If, from the Thâtch Roof of any Houſe, the Water falls off into a Place adjoining to that Houſe, but the Property of another Man, then, if the Perſon, upon whoſe Ground ſuch Water falls, gave no Impediment at the Beginning, he ſhall not afterwards have Power to impede; if, after the Completion of the Houſe, he gives the other any Trouble or Moleſtation, he ſhall be amenable to the Magiſtrate; and, if a Perſon makes a *Sejjah* (or Fenced Terras) upon the Top of his Houſe, another ſhall not impede him.

If there is an old Paſſage for Men and Cattle through the Grounds of any Perſon, that Perſon has not Power to ſtop up ſuch Road.

A Person may not make a Neceſſary-Houſe adjoining to the Houſe of any Perſon; nor ſhall he fling out Rubbiſh and Filth there, nor dig a Ditch.

A Person ſhall not plant the Tree *Kooloo*, or Cocoa-Nut, from whence bitter Oil is extracted, adjoining to another Man's Houſe; if he plants them there, he muſt leave the Breadth of Two Cubits between the Trees and the Houſe.

A Door through which all People paſs, and a Road upon which all People travel, no One ſhall ſhut, upon Pretence that it is within his own Boundaries; nor ſhall he make that Path a Place to piſs, or a Recepticle for Filth, or for Sand to ſcower the Veſſels wherein the Filth is carried; nor ſhall he make ſuch a Recepticle near to a Houſe; nor, when he has ſwept his Houſe, ſhall he throw the Rubbiſh and Aſhes into the Path; nor ſhall he eaſe himſelf there; neither ſhall he plant Trees there.

If a Perſon ſhuts up the Path where the Magiſtrate, or the Magiſtrate's Officers, paſs and repaſs, he ſhall be amenable.

If

If a Perſon, in the Time of no general Calamity, throws Rubbiſh and Aſhes upon the High Road, or makes a Hole there, or eaſes himſelf thereon, a ſingle Time, or plants Trees there, the Magiſtrate ſhall take a Fine from him of One *Mâſheh of Gold*, and cauſe him to throw away the Filth with his own Hands.

If a Perſon, during the Time of a general Calamity, is guilty of the Practices above-mentioned, in the High Road, he ſhall not pay a Fine, nor be obliged to throw away the Filth with his own Hands.

If a Perſon, in the Time of no general Calamity, conſtantly throws Rubbiſh, Filth, and other Things above ſpecified into the High Road, the Magiſtrate ſhall fine him Two *Cahawuns* of *Cowries*, and oblige him to throw the Filth into ſome other Place with his own Hands.

If, in Times either of Calamity, or of no Calamity, a feeble old Man, or a Child, or a Woman big with Child, ſhould throw any of the Things above-mentioned into the High Road, they ſhall neither pay a Fine, nor be obliged to throw away the Filth with their own Hands; but the Magiſtrate ſhall caution them to be more careful for the future.

If a Perſon throws any Filth into a Garden, or near the Steps of a Pool, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries*, and oblige him to throw away the Filth with his own Hands.

If a Perſon throws away Filth into the Places of *Zeeârut* (or religious Walks) or near the Steps of a Pool, a Well, or Baſon of Water, ſo that People are prevented from going thither, and cannot uſe the Water of ſuch Pool,

 Well

Well or Bason, the Magistrate shall fine the Offender Two Hundred and Fifty *Puns* of *Cowries*, and oblige him to throw away the Filth with his own Hands.

If between the Boundaries of Two Persons any Tree should grow, the Flowers and Fruit of such Trees shall be indiscriminately used by both Parties.

If Trees be on the Boundaries of one Person, and the Branches of those Trees extend over the Boundaries of another, then the Person, into whose Premises such Branches extend, is Proprietor of those Branches, and may do with them as he pleases.

If a Person, by causing violent Apprehension in another Person, occupies that Person's House, or Pool, or Garden, or Tillage, the Magistrate shall cause the Possession thereof to revert to the Owner, and shall fine the other Person One Hundred *Puns* of *Cowries*.

If a Person, having by Mistake affirmed, that the House, Pool, Well, Garden, or Glebe, or any such Things, the Property of another, belonged to himself, hath applied them accordingly to his own Use, the Magistrate shall fine him Two Hundred *Puns* of *Cowries*, and cause the Possession thereof to revert to the real Proprietor.

If a Person should dig up by the Roots a Tree planted for a Land-Mark, as before specified, it is a Crime, and the Magistrate shall fine him Two Hundred *Puns* of *Cowries*.

If a Person, by removing a Land-Mark, fraudulently appropriates to himself an additional Piece of Land, the Magistrate shall take from him a Fine of Five Hundred and Forty *Puns* of *Cowries*, and shall give back the Ground to the Owner.

If

If a Perſon entirely breaks the dividing Ridge between the Tillage of any Two Perſons, the Magiſtrate ſhall fine him One Hundred and Eight *Puns* of *Cowries.*

If a Perſon hath deſtroyed much of the Tillage of another Man, and appropriated a larger Piece of Ground than what belongs to him, the Magiſtrate ſhall fine him One Thouſand and Eight *Puns* of *Cowries*, and ſhall cauſe him to give back the Land to the Owner.

If a Perſon, to ſerve his own Tillage, ſteals the Water from another Man's Pool, and waters his Ground therewith, the Magiſtrate ſhall fine him One Hundred and Eight *Puns* of *Cowries.*

CHAP.

## C H A P. XIII.

### *Of Shares in the Cultivation of Lands.*

Fallow or Wafte Land is of Three Sorts, *viz.*

1. Land Wafte for Two Years, or One Year, which is called *Arde Kheel*, Half Wafte.

2. Land Wafte for Three Years, or Four Years, which is called *Kheel*, or Wafte.

3. Land Wafte for Five Years, or whatever longer Time it may happen, fuch Land is called *Jungle.*

If a Perfon makes over to another, for the Purpofe of Cultivation, Land that has been wafte for One or Two Years, and that Perfon, having, by careful Management, improved the Ground, fhould raife a Crop from thence, in that Cafe, of the whole Crop fo raifed, One Sixth fhall go to the Owner of the Ground, and the remaining Five Sixths fhall belong to the Cultivator; if this Perfon above-mentioned, having agreed to take Land of the other, for the Purpofe of Cultivation, fhould afterwards neglect either to cultivate it himfelf, or to caufe it to be cultivated by others, in that Cafe, whatever Crops other Lands in the fame Place, fimilar to the Lands fpecified, fhall produce upon a Medium, the Cultivator fhall give to the Owner of the Ground the Proportion of One Sixth of fuch Medium Crop, and the Magiftrate alfo fhall take from the Cultivator a Fine of the fame Value.

If

If a Man makes over to another, for the Purpose of Cultivation, Land that has been waste for Three Years, or for Four Years, and that Person by Improvement of the Soil raises a Crop there, in that Case, of the whole of the Crop so raised, One Eighth shall go to the Owner of the Ground, and the remaining Seven Eighths shall belong to the Cultivator; if this Person abovementioned, having agreed to take Land of the other, for the Purpose of Cultivation, should afterwards neglect either to cultivate it himself, or to cause it to be cultivated by others, in that Case, whatever Crops other Lands in the same Place, similar to the Lands specified, shall produce upon a Medium, the Cultivator shall give to the Owner of the Ground the Proportion of One Eighth of such Medium Crop; and the Magistrate also shall take from the Cultivator a Fine of the same Value.

If a Man makes over to another, for the Purpose of Cultivation, Land that has been waste for Five Years, or for any longer Period whatever, and that Person, by Cultivation, raises a Crop there, in that Case, of the whole of the Crop so raised, One Tenth shall go to the Owner of the Ground, and the remaining Nine Tenths shall belong to the Cultivator; if this Person abovementioned, having agreed to take Land of the other, for the Purpose of Cultivation, should afterwards neglect either to cultivate it himself, or to cause it to be cultivated by others, in that Case, he shall pay the proportionate Value and Fine, in the Manner above specified.

If a Person, by any Reason rendered incapable, neglects to till his own Ground, and another Person, without his express Permission, should cultivate such Land, after it has been waste One Year, or Two Years, or Three Years, or Four Years, and raise a Crop from thence, and the Owner of the Ground, being acquainted with the Cultivation, at the Time thereof, did not forbid it, in that Case, if the Owner of the Ground, within the Space of Seven Years,

S.f.f. hath

hath not furnished the proportionate Expence of cultivating the Land, he may not reclaim his Land; but the Cultivator shall be held to give to the Owner of the Land a Proportion of the Crop, after the Manner above specified; if he gives not such Proportion, the Owner of the Land may reclaim his Property, even within Seven Years; also, upon having furnished no Part of the Expence of Cultivation, after Seven Years, the Owner of the Land may take back his Ground: In the same Manner, if Land be cultivated, after lying waste for Five or more Years, and the Owner of the Land, within the Space of Eight Years, hath not furnished the proportionate Expence of Cultivation, he may not reclaim his Land, he shall recover it after the Ninth Year; if Land that is not waste be cultivated, in that Case, the Owner may take back his Land, at his own Pleasure.

Upon the Death of any Person, if any other should cultivate the Land of the Deceased that has been waste for One, Two, Three, or Four Years, and raised a Crop from thence, in that Case, if the Heirs of the Deceased, within the Space of Seven Years, have not furnished the Expence of cultivating that waste Land, they may not take the Ground from that Person; but the Cultivator shall give to the Heirs of the above-mentioned Deceased a Proportion, in the Manner already specified; if he hath not given such Proportion, the Owner of the Land may recover his Land, within the Space of Seven Years; also, after the Eighth Year, if the Heir above-mentioned hath not furnished the Expence, he may take his Land: In the same Manner, if Land be cultivated, after lying waste for Five or more Years, and the Heir aforesaid hath not to the Eighth Year furnished the Expence of cultivating the Waste Land, he shall not have Power to take his Land from that Person, he may reclaim it after the Ninth Year, at his own Pleasure.

When a Person is absent upon Travel, if another should cultivate his Land, after it has lain waste One, or Two, or Three, or Four Years, and should raise a

Crop

Crop from thence, in that Cafe, if neither the Perfon aforefaid, nor his Heirs, within the Space of Seven Years, have furnifhed the Expence, upon cultivating fuch wafte Ground, that Ground may not be taken from the other Perfon; but the Cultivator fhall pay to the Perfon aforefaid, or to his Heir, a Proportion, after the Manner above fpecified; if he does not give fuch Proportion, in that Cafe, the Owner of the Land, or his Heir, within the Space of Seven Years, may take the Land; alfo, after the Eighth Year, if the Perfon aforefaid, or his Heir, have not furnifhed the Expence, upon cultivating the Wafte Land, they may recover the Land: In the fame Manner, if Land be cultivated, after lying wafte for Five or more Years, in that Cafe, if that Perfon aforefaid, or his Heir, within the Space of Eight Years, hath not furnifhed the Expence, upon cultivating fuch Wafte Land, they may not reclaim the aforefaid Land, they fhall recover it after the Ninth Year.

If a Perfon gives to another, for Cultivation, Land that is not wafte, who, by Cultivation, raifes a Crop from thence, in that Cafe, of the whole of that Crop, One Sixth fhall go to the Owner of the Ground, and he fhall give the remaining Five Sixths to the Cultivator; if this Perfon abovementioned, having agreed to cultivate the Land of fuch other Perfon, fhould afterwards neglect either to cultivate it himfelf, or to caufe it to be cultivated by others, in that Cafe, the Cultivator fhall pay the proportionate Value and Fine, in the Manner above fpecified, in the Section of the Cultivation of Wafte Land.

If a Man gives to any Perfon, for cultivating, Land wafte or not wafte, he may not take it back from that Perfon, without fome Fault found in him.

If a Man is defirous to cultivate the Land of any other Perfon, who does not give his Confent for the Cultivation of the fame, and, without any Difcourfe having paffed between them, that Man fhould cultivate the Land, and

raife

raiſe a Crop from thence, the whole of ſuch Crop ſhall go to the Owner of the Ground, and the Cultivator ſhall receive Nothing.

If a Man ſows Seed upon his own Ground, and by any Chance whatever ſome of that Seed ſhould fall upon another Perſon's Ground, and a Crop ſhould ariſe from thence, that Crop ſhall go to the Owner of the Ground, and not to the Owner of the Seed.

If a Man hath ſowed Seed upon his own Land, and any other Perſon ſhould ſpoil that Seed, in that Caſe, the Magiſtrate ſhall chaſtiſe that Perſon, and take a Fine from him, and cauſe him to make good to the other the Seed ſo ſpoiled.

# C H A P. XIV.

## *Of Cities and Towns; and of the Fines for damaging a Crop.*

WHEREVER Men of the Tribe of *Sooder*, and Hufbandmen are very numerous, and where there is much Ground fit for Tillage, fuch Place is called *Gràm*, or a Town.

A PLACE that hath Eight *Cofe* in Length and Breadth, and on the Skirts of which, on all the Four Sides, is a Ditch, and above the Ditch, on all the Four Sides, a Wall or Parapet, and on all the Four Sides of it are *Bamboos*, and on the Eaft or North Side thereof a hollow or covered Way, fuch Place is called *Nigher*, or a City: In the fame Manner, if it hath Four *Cofe* in Length and Breadth, it is called *Kheet*, or a fmall City; and if it hath Two *Cofe* in Length and Breadth, it is called *Gherbut*, or a fmall City.

THE Road for paffing and repaffing fhall be at the Choice of the Inhabitants of a Town; but if a Man poffefs only a fmall Lot of Ground, a fmall Parcel only of his Ground fhall be included in the Road; and whoever has a large Parcel of Ground, a larger Share of his Ground fhall be included in the Road.

ON each of the Four Sides of a Town, they fhall leave Four Hundred Cubits, and from thence commence their Tillage; and on each of the Four Sides of a City, they fhall leave Sixteen Hundred Cubits, and from thence commence their Tillage; and on each of the Four Sides of a fmall City, they fhall leave Twelve Hundred Cubits, and from thence commence their Tillage; and on each of the Four Sides of a fmaller City, they fhall leave Eight Hundred Cubits, and from thence commence their Tillage; within this Space above fpecified, no Tillage fhall be made: If a Perfon, having made

anyCultivation, neglects to enclofe it, and the Crop thereof fhould be eaten by the Cows, Buffaloes, and fuch Kind of Animals, the Owner of thofe Animals, and the Keeper of them, fhall not be amenable: If any Perfon knowingly leaves his Cattle upon fuch Tillage, and fo caufes them to feed there, the Magiftrate fhall punifh fuch a Perfon in the fame Degree as a Thief.

If a Perfon cultivates Land adjoining to the Road, without enclofing fuch Land, and the Crop thereof be eaten by Cows, Buffaloes, Horfes, Camels, Goats, Sheep, or any fuch Kind of Animals, the Owner and the Keeper of them fhall not be amenable: If any Perfon knowingly caufes his Cattle to feed upon the Crops, the Magiftrate fhall punifh fuch a Perfon in the fame Degree as a Thief.

During the Night, if a fingle Cow fhould get into any Perfon's Ground, and feed there, without Hinderance, in that Cafe, the Magiftrate fhall fine the Owner of the Cow Five Silver Coins; and if, during the Day, a fingle Cow hath eaten the Crop upon any Perfon's Ground, without Hinderance, the Magiftrate fhall fine the Owner of the Cow Six Silver Coins; alfo, if, either during the Day or the Night, a fingle Cow fhould feed upon the Crop on any Perfon's Ground, without Hinderance, for the Space of Two *Ghurries*, the Magiftrate fhall fine the Owner of the Cow Two Silver Coins; and if the Cow was under the Care of a Keeper, at the Time of her feeding upon fuch Crop, the Keeper fhall pay the Fine, and pay alfo to the Owner of the Land the Value of whatever Part of the Crop fuch Cow hath eaten.

If a Camel hath eaten of the Crop upon the Ground of any Perfon, the Magiftrate fhall fine the Owner of the Camel Twelve Silver Coins, and give the Value of fuch Crop to the Owner of the Land; if the Camel was under the Care of a Keeper, at the Time of eating the Crop upon a Perfon's

Ground,

Ground, in that Cafe, the Keeper ſhall make good the Suit of the Owner of the Ground, and ſhall alſo pay the Fine.

If a Horſe or Buffalo hath eaten the Crop upon any Perſon's Ground, the Magiſtrate ſhall cauſe the Owner of the Land to pay the Crop, and ſhall alſo fine him Twenty Silver Coins; if the Horſe or Buffalo was under the Care of a Keeper, at the Time of eating ſuch Crop, the Owner of them has no Concern therein, the Keeper ſhall be held to make good both the Fine and the Crop.

If a Goat or a Sheep hath eaten of the Crop upon any Perſon's Ground, in that Caſe, the Magiſtrate ſhall cauſe the Owner of the Goat or Sheep to give ſuch Crops to the Owner of the Ground, and ſhall fine him Four Silver Coins; if the Goat or Sheep was under Care of a Shepherd, at the Time of eating the Crop, in that Caſe, the Shepherd ſhall be held to make good both the Fine and the Crop, the Owner has no Concern therein.

Exclusive of theſe Animals, whoſe Names have been above-mentioned, if any other Animal whatever hath eaten the Crop upon any Perſon's Ground, in that Caſe, the Magiſtrate ſhall cauſe the Proprietor of the Animal to pay the Crop to the Owner of the Ground, and ſhall fine him One *Pun*, Five *Gundàes* of *Cowries*; if that Animal was under the Care of a Keeper, the Keeper ſhall be held to make good both the Fine and the Crop, the Owner hath no Concern therein.

If the Foal of a Mare, or of a Camel, or of a Cow, or of a Buffalo, or of any other Animal, hath eaten the Crop on any Perſon's Ground, in that Caſe, the Magiſtrate ſhall cauſe the Owner of the Foal to make good the Crop to the Owner of the Ground, and ſhall fine him Two Silver Coins; if ſuch Foal was under the Care of a Keeper, while it fed upon ſuch Crop, the Keeper

Keeper ſhall be held to make good both the Crop and the Fine, the Owner hath no Concern therein.

If a Cow, or a Buffalo, or a Horſe, or a Camel, or any other Animal, hath eaten a great Quantity of the Crop on another Perſon's Ground, and hath ſtaid there a long Time, without any Diſturbance, in that Caſe, the Magiſtrate ſhall cauſe the Owner of the Animal to make good the Crop to the Owner of the Land, and ſhall fine him Double of the Rates of Fines already above ſpecified; if the Animal was under the Care of a Keeper, during the Time of eating ſuch Crop, the Keeper ſhall be held to make good both the Crop and the Fines, the Owner hath no Concern therein.

If a Cow, or Buffalo, or any other Animal, hath eaten the Crop upon any Perſon's Ground, and hath ſlept the whole Day, or the whole Night, upon that Ground, in that Caſe, the Magiſtrate ſhall cauſe the Owner of the Animal to make good the Crop to the Owner of the Ground, and ſhall fine him Quadruple of the Rates of Fines already above ſpecified; if there was a Keeper, at the Time the Crop was eaten, that Keeper ſhall make good both the Crop and the Fine, the Owner hath no Concern therein.

If a Perſon cauſes any Animal belonging to himſelf to eat, in his own Sight, the Crop upon another Man's Ground, in that Caſe, the Magiſtrate ſhall cauſe him to make good the Crop to the Owner of the Ground, and ſhall puniſh him in the ſame Manner as a Thief.

If a Cow, or Buffalo, or a Horſe, or a Camel, or any other Animal, being under the Care of a Keeper, hath eaten the Crop upon the Ground of any Perſon, in ſuch a Manner that there is not any Crop upon that Ground, in that Caſe, the Magiſtrate ſhall fine the Keeper to the utmoſt of his Worth; if the Keeper is unable to pay a Fine, in that Caſe, the Magiſtrate ſhall take a Fine from

from the Owner, and ſhall chaſtiſe the Keeper, and ſhall cauſe the Crop to be made good to the Owner of the Ground.

If a Horſe, or a Camel, or a Buffalo, or any other Animal belonging to any Perſon, hath eaten the Crop upon another Man's Ground, and this Man makes a Demand for his Crop, in that Caſe, that Perſon ſhall make good ſuch Crop, and ſhall alſo give whatever Quantity of Graſs may ariſe upon that Crop.

If a Cow hath eaten the Crop on any Man's Ground, it is not right for that Man to take an Equivalent of ſuch Crop from the Owner of the Cow; if he takes the Equivalent, he is entitled to it, but it is nevertheleſs a Crime in him.

During the Time that a Keeper is tending Kine, Buffaloes, or ſuch Kind of Animals, if at ſuch Time he attends the Summons of the Magiſtrate, or is ſtricken by Lightning, or bitten by a Serpent, or falls down from a Tree, or is carried off by a Tiger, or becomes ſick, during theſe, or any ſuch Kind of Accidents, if the Kine, Buffaloes, or any other Animals, eat the Crop on any Perſon's Ground, in that Caſe, the Keeper ſhall not be amenable; alſo, if, while the Owner himſelf was tending his Kine, Buffaloes, or other Animals, any ſuch Accidents ſhould happen to him, and the Animals aforeſaid ſhould eat the Crop on any Perſon's Ground, the Owner of the Animals ſhall not be amenable.

A Bull, to whom Cows are driven for leaping, in Expectation of their producing Calves, ſuch Bull is called *Beejeſhuktà*; if ſuch Bull eats the Crops upon any Perſon's Ground, the Owner or Keeper of the Bull ſhall not be amenable.

A Bull, upon whofe Rump, at the Time of the *Seràdeh*, or Feftival of any Perfon, they make a Scar, and let him loofe, fuch Bull goes wherever he choofes; no Perfon performs the Office of Keeper to fuch Bull; the Name of fuch Bull is *Bereefocherg:* If this Bull eats the Crop upon the Ground of any Perfon; the Owner of the Bull fhall not be amenable.

If a Cow belonging to one Town hath been loft, or hath ftrayed to any other Town, and there eats the Crop upon the Ground of any Perfon, in that Cafe, the Owner and Keeper of the Cow fhall not be amenable.

If a Cow, having brought forth a Calf, before the Elapfe of Ten Days from the Time of her calving, fhould eat of the Crop upon the Ground of any Perfon, in that Cafe, the Owner and Keeper of the Cow fhall not be amenable.

When a Cow, from her own Impulfe and Inclination, is accompanying a Bull to be leaped by him, if, at fuch Time, the Cow aforefaid fhould eat of the Crop upon the Ground of any Perfon, in that Cafe, the Owner and Keeper of the Cow fhall not be amenable.

If a Cow, or a Horfe, or a Buffalo, or a Camel, or any other Animal, being blind or lame, fhould eat the Crop upon any Perfon's Ground, the Owner and Keeper of fuch Animals fhall not be amenable.

If the Magiftrate's Elephant, or the Magiftrate's Horfe, fhould eat the Crop upon the Ground of any Perfon, the Owner and the Keeper thereof fhall not be amenable.

If a Weasel, or a Mouse, or a Rat, or any such Kind of small Animal, or a Mule, should eat of the Crop upon the Ground of any Person, the Owner and Keeper of these Animals shall not be amenable.

If a Cow without a Keeper, being frightened at seeing an Army, or by a Thunder Storm, or any other Accident, should run away, and eat the Crop upon the Ground of any Person, the Owner of that Cow shall not be amenable.

If a Man hath laid up Hay in a Garden, or any other Place, to feed his own Cattle, and another Person's Cow, or Buffalo, or any other Animal, should eat that Hay, or should eat the Crop upon any Man's Ground, or should go into any Man's House, or Garden, or tilled Land, upon such Fault, that Person has Power to catch and bind the aforesaid Animals, and may also slightly beat them; if, without such Fault, any Person should catch and bind the aforesaid Animals, or beat them, the Magistrate, in that Case, shall hold him amenable.

# CHAP. XV.

## *Of Scandalous and Bitter Expreſſions,* (i. e. *ſuch Expreſſions as it is a Crime to utter.)*

If a Man falſely accuſes another, it is called *Pàk-Pàriſh.*



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## SECT. I.

### *Of the Denominations of the Crime, conſiſting of Three Diſtinctions.*

1. When a Man utters ſuch Expreſſions, as that, from thoſe Expreſſions, any Perſon becomes ſuſpected of the *Atee Pàtuk*, or the *Màhà Pàtuk*, or the *Anoo Pàtuk.*

*Atee Pàtuk* is, when a Man commits Inceſt with his own Mother, or with his own Daughter, or with his Son's Wife.

*Màhà Pàtuk* is, when a Man murders a *Bramin*, or when, being a *Bramin*, he drinks Wine; or when any Perſon ſteals Eighty *Aſhrufies* from a *Bramin*; or when a Man commits Adultery with any of his Father's Wives, excluſive of his

his own Mother, or with the Wife of a *Bramin*; when a Man hath committed any One of these Crimes, such Crime is called *Màhà Pàtuk:* Whoever continues intimate with such a Person, for the Space of One Year, his Crime also is *Màhà Pàtuk.*

The Modes of Intimacy are as follows, *viz.*

If a Person hath discoursed with such Kind of Offenders, or hath contaminated himself by touching them, or hath sat in the same Place to eat with them, or sits upon the same Carpet with them, and sleeps there, or rides together with them in the same Carriage and Conveyance; if such Intimacy continues for the Space of One Year, it is *Màhà Pàtuk.*

If a Person eats at the same Table with a Man guilty of *Màhà Pàtuk*, or, by dressing Victuals for a Man guilty of *Màhà Pàtuk*, gives him to eat, or teaches any Science to a Man guilty of *Màhà Pàtuk*, in such Cases, an Intimacy of a single Day is *Màhà Pàtuk.*

*Anoo Pàtuk* is, when a *Sooder*, assuming the *Braminical* Thread, calls himself a *Bramin*; or when a Man falsely accuses a faultless Magistrate; or when a Man, by false Reports, makes his Father infamous; or when a Man reads any unorthodox *Shaster*, and forgets the *Beids* of the *Shaster*; or when a Man utters any Abuse against the *Beids*; or when a Man murders his Friend, or gives false Testimony, or eats the Victuals of the Washerman's Cast, or of the Shoe-Embroiderers Cast, or of any other base Cast; or when a Man spoils another Person's Goods committed to his Trust; or when a Man steals a Man, or a Horse, or Money, or Land, or Diamonds, or any other Jewels; or when a Man commits Adultery with his Paternal Uncle's Wife, or with his Grandfather's Wife, or with his Wife's Mother, or with the Magistrate's Wife, or with his Father's Sister, or with his Mother's Sister, or with the Wife of a *Bramin* who

hath read the *Beids*, or with his Tutor's Wife, or with his Friend's Wife, or with the Wife of a Perſon deſcended from the ſame Grandfather with himſelf, or with the Wife of a Man of a ſuperior Caſt, or with the Wife of a Man of a baſe Caſt, or with a *Bramin*'s unmarried Daughter, or with any Woman during her *Catamenia*, or with a Woman employed in the Worſhip of Providence; every One of theſe Crimes is *Anoo Pàtuk*.

2. WHEN a Man falſely accuſes another, in ſuch a Manner that he becomes ſuſpected of the *Opoo Pàtuk*.

*Opoo Pàtuk* is, when a Man hath ſlain a Cow; or when a Man ſells himſelf, or commits Adultery with another Man's Wife, or forſakes his Father, or his Mother, or his Spiritual Guide, or his Son, without any Fault on their Side; or when a Man, having commenced a *Jugg* for his whole Life, relinquiſhes that *Jugg*; or when any *Bramin* ſtudies not the *Beids*; or when a Man marries while his Elder Brother remains unmarried; or when a Man marries his Daughter to ſuch a Perſon; or when a Man gives the Younger Siſter in Marriage while the Elder Siſter remains unmarried; or when a Man thruſts his Finger into the *Pudendum* of an unmarried Virgin; or when a Man, not being of the *Bice* Caſt, engages in Trade while no Calamity obtains; or when a *Bramin*, or *Chehteree*, having commenced any religious Act, neglects to complete it; or when a Man ſells his Wife, or his Son, or his Daughter, without their Conſent; or when a *Bramin*, a *Chehteree*, or a *Bice*, neglects to aſſume the *Gentoo* Thread at the proper Period; or when a Man refuſes to eat and drink with Men deſcended from the ſame Grandfather with himſelf, whoſe Characters are unimpeached; or when a Man accepts any Money to inſtruct another in a Science; or when a Man learns any Science of ſuch a Perſon; or if a *Bramin*, a ſingle Time, ſells Wax or Salt, or the Seed of the *Kunjud* (from whence Oil is made;) or if a *Bramin*, as aforeſaid, is twice guilty of ſelling Milk; or, in the Place where Salt is boiled, if a *Bramin*, as aforeſaid, becomes Proprietor of ſuch Place; or when

when any Perſon ſpoils the Plantain Tree, or any ſuch Kind of Tree, which dies after the Fruit has once ripened on it; or when a Man takes to himſelf a Livelihood from the Money earned by a Woman; or when a Man performs the *Jugg* to procure the Death of any Perſon; or when a Man cauſes any Perſon to take a Philter, that he may procure an unwarrantable Power over ſuch Perſon; or when a Man cuts a great Number of live Trees for the Purpoſe of dreſſing his Victuals; or when a Man dreſſes Victuals for himſelf alone; or when a Man eats his Victuals at the Hands of an Aſtrologer, or from a Man of the Caſt of *Deiool*, or from a Thief; or when a Man will not pay his Debts; or if a *Bramin* neglects to perform the *Jugg* every Day; or when a Man ſteals *Paddee*, or Wheat, or *Gràm*, or *Doll*, or any ſuch Kinds of Grain, or Iron, or Silver, or Braſs, or Copper, or any ſuch Kind of Metals, except Gold; or when a Man ſtudies ſuch Kind of *Shaſter* as is not orthodox with reſpect to Providence; or when he conſtantly gives up his Time to Dancing, Singing, and Playing upon Muſical Inſtruments; or when a Man commits Adultery with a drunken Woman; or when a Man deprives of Life a Woman, or a Man of the *Bice*, or *Chehteree*, or *Sooder* Caſt; or when a Man has no Regard for his latter End, and for religious Acts; all theſe Crimes are *Opoo Pàtuk*.

3. When a Man utters ſuch Expreſſions, in Behalf of another, as that he becomes ſuſpected of *Jàtee Bherun Kuſhker*, or of *Shunkeree Kurrun*, or of *Apàteree Kurrun*, or of *Melàbhoo*, or of *Perkernukkà*.

*Jàtee Bherun Kuſhker* is, when a Man does any Injury to a *Bramin*; or when a Man ſmells at Wine, or Garlick, or Onions; or when a Man hath not a pure Heart towards his Friend; or when a Man ſtrikes any Perſon on the Buttock.

*Shunkeree Kurrun* is, when a Man ſlays an Elephant, or a Horſe, or a Camel, or an Aſs, or a Stag, or a Sheep, or a Goat, or a Buffalo, or a Snake, or a Fiſh.

*Apàteree*

*Apàteree Kurrun* is, when a Man receives any Goods from a Perſon of bad Character; or when any Man, except a *Bice*, engages in Trade; or when any Man becomes the Servant of a *Sooder*; and when a Man tells Lies.

*Melàbhoo* is, when a Man deprives an Ant of Life, or kills a Bird; or when a Man ſteals Fruit, or Faggots, or Flowers; or when a Man is not poſſeſſed of Patience; or when any Perſon is drinking Wine, if another Perſon, during that Time, at the ſame Feaſt, eats Fruits, or any other Victuals.

*Perkernukkà* is, any Crime excluſive of the *Atee Pàtuk*, and other Eight Sorts of Crimes, which have been above ſpecified.—Of theſe Three Diſtinctions of the *Pàk-Pàriſh*, which have been explained, under Nine Subdiviſions of Crimes, the ſeveral Puniſhments ſhall be deſcribed reſpectively.

## S E C T. II.

### *Of the Puniſhment for the Pàk-Pàriſh, or Scandalous and Bitter Expreſſions.*

If a Man, who is of an equal Caſt, and of equal Abilities with another, makes him become falſely ſuſpected of the Crime of *Atee Pàtuk*, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*.

If a Man of an inferior Caſt to another, and alſo of inferior Abilities, falſely makes him ſuſpected of the Crime of *Atee Pàtuk*, the Magiſtrate ſhall fine him Two Thouſand *Puns* of *Cowries*.

If

If a Man of ſuperior Caſt, and of ſuperior Abilities to another, falſely cauſes him to be ſuſpected of the Crime of *Atee Pàtuk*, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

Whoever falſely accuſes a Woman of the Crime of *Atee Pàtuk*, the Magiſtrate ſhall fine him Two Thouſand *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, falſely accuſes him, ſaying, "You have committed the Crime of *Màhà Pàtuk*," the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of inferior Caſt, and of inferior Abilities to another, cauſes him to be falſely ſuſpected of the Crime of *Màhà Pàtuk*, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, makes a falſe Accuſation of the Crime of *Màhà Pàtuk* againſt him, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man falſely makes Accuſations of the Crime of *Màhà Pàtuk* againſt a Woman, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, falſely accuſes him, ſaying, " You have committed One of the Crimes of *Anoo Pàtuk*," the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, falſely accuſes him of the Crime of *Anoo Pàtuk*, the Magiſtrate ſhall fine him Two Hundred *Puns* of *Cowries.*

If a Man of a superior Caſt, and of superior Abilities to another, falſely accuſes him of the Crime of *Anoo Pàtuk*, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries*.

If a Man falſely accuſes a Woman of the Crime of *Anoo Pàtuk*, the Magiſtrate ſhall fine him Two Hundred *Puns* of *Cowries*.

If a *Sooder* falſely accuſes a *Bramin*, or a *Chehteree*, or a *Bice*, of either of the Crimes of *Atee Pàtuk*, or *Màhà Pàtuk*, or *Anoo Pàtuk*, the Magiſtrate ſhall cut out his Tongue, and thruſt a hot Iron of Ten Fingers breadth into his Mouth.

If a Man of an equal Caſt, and of equal Abilities with another, falſely accuſes him of any of the leſſer Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries*.

If a Man of an inferior Caſt, and of inferior Abilities to another, falſely accuſes him of any of the leſſer Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries*.

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, falſely accuſes him of any of the leſſer Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him Twenty-five *Puns* of *Cowries*.

If a Man falſely accuſes a Woman of any One of the leſſer Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries*.

If

If a Man of an equal Caſt, and of equal Abilities with another, falſely accuſes him of any One of the mediumCrimes of the *Opoo Pàtuk*,the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, falſely accuſes him of any One of the medium Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, falſely accuſes him of any One of the mediumCrimes of the *Opoo Pàtuk*,the Magiſtrate ſhall fine him One Hundred and Twenty-five *Puns* of *Cowries.*

If a Man falſely accuſes a Woman of any One of the medium Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, falſely accuſes him of any of the greater Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, falſely accuſes him of any One of the greater Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, falſely accuſes him of any One of the greater Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man falſely accuſes a Woman of any One of the greater Crimes of the *Opoo Pàtuk*, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, falſely accuſes him of any One of the leſſer Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Twenty-five *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, falſely accuſes him of any One of the leſſer Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, falſely accuſes him of any One of the leſſer Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries.*

If a Man falſely accuſes a Woman of any One of the leſſer Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, falſely accuſes him of any One of the medium Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him One Hundred and Twenty-five *Puns* of *Cowries.*

If

If a Man of an inferior Caſt, and of inferior Abilities to another, falſely accuſes him of any One of the medium Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*.

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, falſely accuſes him of any One of the medium Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Sixty-two *Puns* of *Cowries*.

If a Man accuſes a Woman of any of the medium Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*.

If a Man of equal Caſt, and of equal Abilities with another, falſely accuſes him of any One of the greater Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*.

If a Man of an inferior Caſt, and of inferior Abilities to another, falſely accuſes him of any One of the greater Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*.

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, falſely accuſes him of any One of the greater Crimes of the *Jàtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apàteree Kurrun*, or of the *Melàbhoo*, or of the

 *Perkernukkà*,

*Perkernukkà*, the Magiſtrate ſhall fine him One Hundred and Twenty-five *Puns* of *Cowries*.

If a Man falſely accuſes a Woman of any One of the greater Crimes of the *Jâtee Bherun Kuſhker*, or of the *Shunkeree Kurrun*, or of the *Apâteree Kurrun*, or of the *Melàbhoo*, or of the *Perkernukkà*, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*.

If a Man be deficient in a Hand, or a Foot, or an Ear, or an Eye, or a Noſe, or any other Member, and a Perſon of an equal Caſt, and of equal Abilities with him, ſhould ſay to him, in a reproachful Mannner, "You are deficient in a Hand, or a Foot, or an Ear, or an Eye, or a Noſe, or any other Member," or ſhould ſay to him, "Such Limb of yours is very beautiful," the Magiſtrate ſhall fine him Twelve *Puns* of *Cowries*.

If a Man be deficient in a Hand, or a Foot, or an Ear, or an Eye, or a Noſe, or any other Member, and a Perſon of an inferior Caſt, and of inferior Abilities to him, ſhould thus ſay to him, in a reproachful Manner, "You are deficient in a Hand, or a Foot, or an Ear, or an Eye, or a Noſe, or any other Member," or ſhould thus ſay, "This Limb of yours is very beautiful," in that Caſe, the Magiſtrate ſhall fine him Twenty-four *Puns* of *Cowries*.

If a Man be deficient in a Hand, or a Foot, or an Ear, or an Eye, or a Noſe, or any other Member, and a Perſon of a ſuperior Caſt, and of ſuperior Abilities to him, ſhould thus, in a reproachful Manner, ſay to him, "You are deficient in a Hand, or a Foot, or an Ear, or an Eye, or a Noſe, or any other Member," or ſhould thus ſay, "This Limb of yours is very beautiful," in that Caſe, the Magiſtrate ſhall fine him Six *Puns* of *Cowries*.

If

If a Woman be deficient in a Hand, or a Foot, or an Ear, or an Eye, or a Nofe, or any other Member, and a Man fhould reproachfully fay to her, " You are deficient in fuch Limbs," or, " Such Limb of yours is very beautiful," in that Cafe, the Magiftrate fhall fine him Twenty-four *Puns* of *Cowries.*

If a Man of an equal Caft, and of equal Abilities with any Perfon, who is well fkilled in any Profeffion, fhould fay to him, by way of fetting off his own Excellence, " You have no Skill whatever," the Magiftrate, in that Cafe, fhall fine him Two Hundred *Puns* of *Cowries.*

If a Man of an inferior Caft, and inferior Abilities to any Perfon, well fkilled in any Profeffion, fhould fay to him, by way of fetting off his own Excellence, " You have, in fact, no Skill whatever," in that Cafe, the Magiftrate fhall fine him Four Hundred *Puns* of *Cowries.*

If a Man of a fuperior Caft, and fuperior Abilities to any Perfon, well fkilled in any Profeffion, fhould fay to him, by way of fetting off his own Excellence, " You have no Skill whatever," in that Cafe, the Magiftrate fhall fine him One Hundred *Puns* of *Cowries.*

If a Man fpeaks reproachfully of any Country, as, " That Country is moft particularly bad," the Magiftrate fhall fine him Two Hundred *Puns* of *Cowries.*

If a Man fhould fay of a *Bramin*, that, " This Man is no *Bramin*," or of a *Chehteree*, that, " This Man is no *Chehteree*," or in fuch Manner fhould fpeak reproachfully of any Caft, in that Cafe, the Magiftrate fhall fine him Two Hundred *Puns* of *Cowries.*

If a Man ſhould ſay of a religious Perſon, that, "This is not a religious Perſon," the Magiſtrate ſhall fine him Two Hundred *Puns* of *Cowries.*

If a Man ſpeaks reproachfully of any upright Magiſtrate, the Magiſtrate ſhall cut out his Tongue, or, having confiſcated all his Effects, ſhall baniſh him the Kingdom.

If a Magiſtrate for his own Good hath paſſed any Reſolutions, whoever refuſes to ſummit to ſuch Reſolutions, the Magiſtrate ſhall cut out that Perſon's Tongue.

If a Magiſtrate, or a *Bramin,* be convicted of any Crime, they ſhall not be put to Death; nor ſhall their Hand, or Foot, or any other Limb be cut off.

If a Man is a Robber, or is ſecluded from his own Caſt, it is not right to call him a Robber, or an Outcaſt; if any Perſon ſhould call him a Robber, or an Outcaſt, the Magiſtrate ſhall fine him in Half the Mulct of a Robber, or an Outcaſt.

If a Man is in Company with a Robber, or is deſirous to eat and drink with an Outcaſt, and another Perſon ſhould forbid ſo to do, that Perſon ſhall not be amenable.

If a Man ſpeaks reproachfully of his Mother, or of his Father, or of his Spiritual Director, or of his Elder Brother, or of a Woman of good Character, or of his Son, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries.*

If a Man ſpeaks reproachfully of his Wife's Father or Mother, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries.*

If

If Two Perſons mutually abuſe each other, or mutually utter falſe Accuſations againſt each other, the Magiſtrate ſhall take an equal Fine from both Parties.

In any Affair wherein a Fine has not been ſpecified, the Magiſtrate nevertheleſs ſhall take a Fine from the Party, upon Intelligence of the Affair.

In any Affair where the Caſt and Science of the Party are mentioned, a Fine ſhall be taken, according to the Amount at which that particular Caſt and Science are rated.

If a Perſon, from Intoxication, or Idiotiſm, ſhould ſpeak reproachfully of any One, the Magiſtrate ſhall not hold him amenable.

If a Man ſhould have ſpoken reproachfully of another, or ſhould have abuſed him, and afterwards ſays, "I ſpoke it inconſiderately, or in Jeſt, and I will not utter ſuch Expreſſions in future," the Magiſtrate ſhall take from him Half the Fine that has been ſpecified for ſuch Fault.

If any Man ſhould ſay, that, "The Magiſtrate will die at ſuch a particular Time," the Magiſtrate ſhall fine that Perſon Eight Hundred *Puns* of *Cowries*.

If a Man of inferior Caſt, proudly affecting an Equality with a Perſon of ſuperior Caſt, ſhould ſpeak at the ſame Time with him, the Magiſtrate, in that Caſe, ſhall fine him to the Extent of his Abilities.

# C H A P. XVI.

## *Of Aſſault.*



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## S E C T. I.

### *Of Aſſault, and of Preparation to Aſſault.*

If a Man aſſaults, or prepares to aſſault, another Perſon, with his Hand, or Foot, or with a Club, or with Sand, or with a Weapon, or with a Stone, or with any other Article, it is called *Dumr Pàriſh*, and hath Three Diſtinctions, *viz.*

1. *Abkoorun.*
2. *Neeſhungpàt.*
3. *Keheet Derſhen.*

*Abkoorun* is, when a Man is prepared to Aſſault: *Neeſhungpàt* is, when a Man beats another unmercifully, yet ſo as to ſhed no Blood from his Body: *Keheet Derſhen* is, when a Man chaſtiſes another in ſuch a Manner as to ſhed Blood.

If a Man of an equal Caſt, and of equal Abilities with another, is prepared to throw upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or is prepared to ſtrike him with his Hand or Foot, the Magiſtrate ſhall fine him One *Màſheb of Silver.*

If a Man of an inferior Caſt, and of inferior Abilities to another, is prepared to throw upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or is prepared to ſtrike him with his Hand or Foot, the Magiſtrate ſhall fine him Three *Màſhebs of Silver.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, is prepared to throw upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of that Kind, or is prepared to ſtrike him with his Hand or Foot, the Magiſtrate ſhall fine him Half a *Màſheb of Silver.*

If a Man of an inferior Caſt and of ſuperior Abilities to another, or of a ſuperior Caſt and inferior Abilities to him, is prepared to throw upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of that Kind, or is prepared to ſtrike him with his Hand or Foot, the Magiſtrate ſhall fine him One *Màſheb of Gold.*

If a Man of an equal Caſt with ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, is prepared to throw upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or is prepared to ſtrike him with his Hand or Foot, the Magiſtrate ſhall fine him Two *Màſhebs of Silver.*

If a Man is prepared to throw upon a Woman's Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or is prepared to ſtrike

ſtrike her with his Hand or Foot, the Magiſtrate ſhall fine him Two *Màſhehs of Silver*.

If a Man of an equal Caſt, and of equal Abilities with another, throws upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or ſtrikes him with his Hand or Foot, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries*.

If a Man of an inferior Caſt, and of inferior Abilities to another, throws upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or ſtrikes him with his Hand or Foot, the Magiſtrate ſhall fine him Thirty *Puns* of *Cowries*.

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, throws upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or ſtrikes him with his Hand or Foot, the Magiſtrate ſhall fine him Five *Puns* of *Cowries*.

If a Man of an inferior Caſt and of ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, throws upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or ſtrikes him with his Hand or Foot, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries*.

If a Man of an equal Caſt with ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, throws upon his Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or ſtrikes him with his Hand or Foot, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries*.

If a Man throws upon a Woman's Body, Duſt, or Sand, or Clay, or Cow Dung, or any Thing elſe of the ſame Kind, or ſtrikes her with his Hand or Foot, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, is prepared to caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or the Refuſe of Victuals, or Spittle, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, is prepared to caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or the Refuſe of Victuals, or Spittle, the Magiſtrate ſhall fine him Sixty *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, is prepared to caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or the Refuſe of Victuals, or Spittle, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries.*

If a Man of inferior Caſt and ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, is prepared to caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or the Refuſe of Victuals, or Spittle, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries.*

If a Man of an equal Caſt with ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, is prepared to caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of

his Ears, or the Refuſe of Victuals, or Spittle, the Magiſtrate ſhall fine him Forty *Puns* of *Cowries.*

If a Man is prepared to caſt upon a Woman's Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or the Refuſe of Victuals, or Spittle, the Magiſtrate ſhall fine him Forty *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, ſhould caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or Spittle, or the Refuſe of Victuals, the Magiſtrate ſhall fine him Forty *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, ſhould caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or Spittle, or the Refuſe of Victuals, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries.*

If a Man of ſuperior Caſt, and of ſuperior Abilities to another, ſhould caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or Spittle, or the Refuſe of Victuals, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries.*

If a Man of an inferior Caſt with ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, ſhould caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or Spittle, or the Refuſe of Victuals, the Magiſtrate ſhall fine him Forty *Puns* of *Cowries.*

If

If a Man of an equal Caſt with ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, ſhould caſt upon his Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or Spittle, or the Refuſe of Victuals, the Magiſtrate ſhall fine him Eighty *Puns* of *Cowries*.

If a Man ſhould caſt upon a Woman's Body, Tears, or Phlegm, or the Paring of his Nails, or the Gum of his Eyes, or the Wax of his Ears, or Spittle, or the Refuſe of Victuals, the Magiſtrate ſhall fine him Eighty *Puns* of *Cowries*.

If a Man of an equal Caſt, and of equal Abilities with another, throws upon him, from his Navel downwards to his Foot, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Forty *Puns* of *Cowries*.

If a Man of an inferior Caſt, and of inferior Abilities to another, throws upon him, from his Navel downwards to his Foot, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him One Hundred and Twenty *Puns* of *Cowries*.

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, throws upon him, from the Navel downwards to the Foot, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries*.

If a Man of an inferior Caſt and ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, throws upon his Body, from the Navel downwards to the Foot, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Forty *Puns* of *Cowries*.

If

If a Man of an equal Caſt with ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, throws upon him, from the Navel downwards to the Foot, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Eighty *Puns* of *Cowries.*

If a Man throws upon a Woman, from the Navel downwards to the Foot, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Eighty *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, throws upon his Body, from the Navel upwards to beneath the Neck, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Sixty *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, throws upon his Body, from the Navel upwards to beneath the Neck, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him One Hundred and Eighty *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, throws upon his Body, from the Navel upwards to beneath the Neck, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Thirty *Puns* of *Cowries.*

If a Man of an inferior Caſt with ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, throws upon his Body, from the Navel upwards to beneath the Neck, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Sixty *Puns* of *Cowries.*

If

If a Man of an equal Caſt with ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, throws upon his Body, from the Navel upwards to beneath the Neck, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him One Hundred and Twenty *Puns* of *Cowries*.

If a Man throws upon a Woman's Body, from the Navel upwards to beneath the Neck, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him One Hundred and Twenty *Puns* of *Cowries*.

If a Man of an equal Caſt, and of equal Abilities with another, throws upon him, from the Neck upwards, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Eighty *Puns* of *Cowries*.

If a Man of an inferior Caſt, and of inferior Abilities to another, throws upon him, from the Neck upwards, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Two Hundred and Forty *Puns* of *Cowries*.

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, throws upon him, from the Neck upwards, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Forty *Puns* of *Cowries*.

If a Man of an inferior Caſt with ſuperior Abilities, or of a ſuperior Caſt with inferior Abilities to another, throws upon him, from the Neck upwards, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him Eighty *Puns* of *Cowries*.

If a Man of an equal Caſt with ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, throws upon him, from the Neck upwards,

any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him One Hundred and Sixty *Puns* of *Cowries.*

If a Man throws upon a Woman, from the Neck upwards, any Spue, or Urine, or Ordure, or Semen, the Magiſtrate ſhall fine him One Hundred and Sixty *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, is prepared to aſſault him with a Stone, or with a Piece of Iron or Wood, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, is prepared to aſſault him with a Stone, or with a Piece of Iron or Wood, the Magiſtrate ſhall fine him Seven Hundred and Fifty *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and ſuperior Abilities to another, is prepared to aſſault him with a Stone, or with a Piece of Iron or Wood, the Magiſtrate ſhall fine him One Hundred and Twenty-five *Puns* of *Cowries.*

If a Man of an inferior Caſt with ſuperior Abilities, or of a ſuperior Caſt with inferior Abilities to another, is prepared to aſſault him with a Stone, or with a Piece of Iron or Wood, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man of an equal Caſt with ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, is prepared to aſſault him with a Stone, or with a Piece of Iron or Wood, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man is prepared to affault a Woman with a Stone, or with a Piece of Iron or Wood, the Magiftrate fhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of an equal Caft, and of equal Abilities with another, fhould ftrike him with a Stone, or with a Piece of Iron or Wood, the Magiftrate fhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of an inferior Caft, and of inferior Abilities to another, fhould ftrike him with a Stone, or with a Piece of Iron or Wood, the Magiftrate fhall fine him One Thoufand Five Hundred *Puns* of *Cowries.*

If a Man of a fuperior Caft, and of fuperior Abilities to another, fhould ftrike him with a Stone, or with a Piece of Iron or Wood, the Magiftrate fhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man of an inferior Caft with fuperior Abilities, or of a fuperior Caft with inferior Abilities to another, fhould ftrike him with a Stone, or with a Piece of Iron or Wood, the Magiftrate fhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of an equal Caft with fuperior Abilities, or of a fuperior Caft and equal Abilities with another, fhould ftrike him with a Stone, or with a Piece of Iron or Wood, the Magiftrate fhall fine him One Thoufand *Puns* of *Cowries.*

If a Man fhould ftrike a Woman with a Stone, or with a Piece of Iron or Wood, the Magiftrate fhall fine him One Thoufand *Puns* of *Cowries.*

If a Man unknowingly fhould caft upon anothers Body, any Duft, or Sand, or Clay, or Phlegm, or Brick, or Stone, or Iron, or Wood, or any Thing elfe of that Kind, or fhould ftrike him therewith, the Magiftrate fhall not fine him.

If

If a Man of an equal Caſt, and of equal Abilities with another, ſhould haul him by the Foot, or by the Hair, or by the Hand, or by the Cloaths, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, ſhould haul him by the Foot, or by the Hair, or by the Hand, or by the Cloaths, the Magiſtrate ſhall fine him Thirty *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, ſhould haul him by the Foot, or by the Hair, or by the Hand, or by the Cloaths, the Magiſtrate ſhall fine him Five *Puns* of *Cowries.*

If a Man of an inferior Caſt with ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, ſhould haul him by the Foot, or by the Hair, or by the Hand, or by the Cloaths, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries.*

If a Man of an equal Caſt and ſuperior Abilities, or of a ſuperior Caſt and of equal Abilities with another, ſhould haul him by the Foot, or by the Hair, or by the Hand, or by the Cloaths, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries.*

If a Man ſhould haul a Woman by the Foot, or by the Hair, or by the Hand, or by the Cloaths, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, ſhould ſeize and bind him in a Cloth, and ſhould ſet his Foot upon him, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, ſhould ſeize and bind him in a Cloth, and ſhould ſet his Foot upon him, the Magiſtrate ſhall fine him Three Hundred *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, ſhould ſeize and bind him in a Cloth, and ſhould ſet his Foot upon him, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries.*

If a Man of an inferior Caſt with ſuperior Abilities, or of a ſuperior Caſt and of inferior Abilities to another, ſhould ſeize and bind him in a Cloth, and ſhould ſet his Foot upon him, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries.*

If a Man of an equal Caſt and ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, ſhould ſeize and bind him in a Cloth, and ſhould ſet his Foot upon him, the Magiſtrate ſhall fine him Two Hundred *Puns* of *Cowries.*

If a Man ſhould ſeize a Woman, and bind her with a Cloth, and ſhould ſet his Foot upon her, the Magiſtrate ſhall fine him Two Hundred *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, ſhould raiſe up any offenſive Weapon to aſſault him therewith, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, ſhould raiſe up any offenſive Weapon to aſſault him therewith, the Magiſtrate ſhall fine him One Thouſand Five Hundred *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, ſhould raiſe up any offenſive Weapon to aſſault him therewith, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man of an inferior Caſt and of ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, ſhould raiſe up any offenſive Weapon to aſſault him therewith, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of an equal Caſt and ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, ſhould raiſe up any offenſive Weapon to aſſault him therewith, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man ſhould raiſe up any offenſive Weapon to aſſault a Woman therewith, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, ſhould ſtrike him with a Weapon, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man of an inferior Caſt, and of inferior Abilities to another, ſhould ſtrike him with a Weapon, the Magiſtrate ſhall fine him Three Thouſand *Puns* of *Cowries.*

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, ſhould ſtrike him with a Weapon, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man of an inferior Caſt and ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, ſhould ſtrike him with a Weapon, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

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If a Man of an equal Caſt and ſuperior Abilities, or of a ſuperior Caſt and of equal Abilities with another, ſhould ſtrike him with a Weapon, the Magiſtrate ſhall fine him Two Thouſand *Puns* of *Cowries.*

If a Man ſhould ſtrike a Woman with a Weapon, the Magiſtrate ſhall fine him Two Thouſand *Puns* of *Cowries.*

If a Man of an equal Caſt, and of equal Abilities with another, ſhould ſtrike him with a Weapon, or any Thing elſe, in ſuch a Manner, as that no Blood flows from him, the Magiſtrate ſhall fine him Thirty *Puns* of *Cowries*; if a little Blood is ſhed by the Stroke, the Magiſtrate ſhall fine him Sixty-four *Puns* of *Cowries*; if the Skin is torn, ſo that much Blood flows from thence, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries*; if both the Skin and Fleſh are torn, and a greater Quantity of Blood is by ſuch Means ſhed, he ſhall fine him Twenty-four *Aſhrufies*; if both the Skin and Fleſh are torn, and a Bone is broken, and Blood ſhed, he ſhall confiſcate all his Poſſeſſions, and baniſh him the Kingdom.

If a Man of an inferior Caſt, and of inferior Abilities to another, ſhould ſtrike him with a Weapon, or any Thing elſe, in ſuch a Manner, as that no Blood flows from him, the Magiſtrate ſhall fine him Ninety *Puns* of *Cowries*; if a little Blood is ſhed by the Stroke, the Magiſtrate ſhall fine him One Hundred and Ninety *Puns* of *Cowries*; if the Skin is torn, ſo that much Blood flows from thence, he ſhall fine him Three Hundred *Puns* of *Cowries*; if both the Skin and Fleſh are torn, and a greater Quantity of Blood is by ſuch Means ſhed, he ſhall fine him Seventy-two *Aſhrufies*; if both the Skin and Fleſh are torn, and a Bone is broken, and Blood ſhed, he ſhall confiſcate all his Poſſeſſions, and baniſh him the Kingdom.

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, ſhould ſtrike him with a Weapon, or any Thing elſe, in ſuch a Manner, as that no Blood flows from him, the Magiſtrate ſhall fine him Fifteen *Puns* of *Cowries*; if a little Blood is ſhed by the Stroke, he ſhall fine him Thirty-two *Puns* of *Cowries*; if the Skin is torn, ſo that much Blood flows from thence, he ſhall fine him Fifty *Puns* of *Cowries*; if both the Skin and Fleſh are torn, and a greater Quantity of Blood is by ſuch Means ſhed, he ſhall fine him Twelve *Aſhrufies*; if both the Skin and Fleſh are torn, and a Bone is broken, and Blood ſhed, the Magiſtrate ſhall confiſcate all his Poſſeſſions, and baniſh him the Kingdom.

If a Man of an inferior Caſt and of ſuperior Abilities, or of a ſuperior Caſt and of inferior Abilities to another, ſhould ſtrike him with a Weapon, or any Thing elſe, in ſuch a Manner, as that no Blood flows from him, the Magiſtrate ſhall fine him Thirty *Puns* of *Cowries*; if a little Blood is ſhed by the Stroke, he ſhall fine him Sixty-four *Puns* of *Cowries*; if the Skin is torn, ſo that much Blood flows from thence, he ſhall fine him One Hundred *Puns* of *Cowries*; if both the Skin and Fleſh are torn, and a greater Quantity of Blood is by ſuch Means ſhed, he ſhall fine him Twenty-four *Aſhrufies*; if both the Skin and Fleſh are torn, and a Bone is broken, and Blood ſhed, the Magiſtrate ſhall confiſcate all his Goods, and baniſh him the Kingdom.

If a Man of an equal Caſt and ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, ſhould ſtrike him with a Weapon, or any Thing elſe, in ſuch a Manner, as that no Blood flows from him, the Magiſtrate ſhall fine him Sixty *Puns* of *Cowries*; if a little Blood is ſhed by the Stroke, he ſhall fine him One Hundred and Twenty-eight *Puns* of *Cowries*; if the Skin is torn, ſo that much Blood flows from thence, he ſhall fine him Two Hundred *Puns* of *Cowries*; if both the Skin and Fleſh are torn, and a greater Quantity

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tity of Blood is by ſuch Means ſhed, he ſhall fine him Forty-eight *Aſhrufies*; if both the Skin and Fleſh are torn, and a Bone is broken, and Blood ſhed, the Magiſtrate ſhall confiſcate all his Goods, and baniſh him the Kingdom.

If a Man ſhould ſtrike a Woman with a Weapon, or any Thing elſe, in ſuch a Manner, as that no Blood flows from her, the Magiſtrate ſhall fine him Sixty *Puns* of *Cowries*; if a little Blood is ſhed by the Stroke, he ſhall fine him One Hundred and Twenty-eight *Puns* of *Cowries*; if the Skin is torn, ſo that much Blood flows from thence, he ſhall fine him Two Hundred *Puns* of *Cowries*; if both the Skin and Fleſh are torn, and a greater Quantity of Blood is by ſuch Means ſhed, he ſhall fine him Forty-eight *Aſhrufies*; if both the Skin and Fleſh are torn, and a Bone is broken, and Blood ſhed, the Magiſtrate ſhall confiſcate all his Goods, and baniſh him the Kingdom.

If a Man of an equal Caſt, and of equal Abilities with another, ſhould ſtrike him with any Weapon upon the Ear, or upon the Noſe, or upon the Hand, or upon the Foot, or upon the Lip, or in the Eye, or upon the Tongue, or upon the *Penis*, or upon the Joint of the Knee, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*; if he ſtrikes upon any of theſe Limbs above ſpecified, in ſuch a Manner, as that they are thereby cut off, and ſeparated from the Body, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*.

If a Man of an inferior Caſt, and of inferior Abilities to another, ſhould ſtrike him with any Weapon upon the Ear, or upon the Noſe, or upon the Hand, or upon the Foot, or upon the Lip, or in the Eye, or upon the Tongue, or upon the *Penis*, or upon the Joint of the Knee, ſo that theſe Limbs are not ſeparated from the Body, the Magiſtrate ſhall fine him One Thouſand Five Hundred *Puns* of *Cowries*; if, by that Stroke, any of theſe Limbs above ſpeci-

fied are cut off, and ſeparated from the Body, he ſhall fine him Three Thouſand *Puns* of *Cowries*.

If a Man of a ſuperior Caſt, and of ſuperior Abilities to another, ſhould ſtrike him with any Weapon upon the Ear, or upon the Noſe, or upon the Hand, or upon the Foot, or upon the Lip, or in the Eye, or upon the Tongue, or upon the *Penis*, or upon the Joint of the Knee, ſo that theſe Limbs are not ſeparated from the Body, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*; if, by that Stroke, any of theſe Limbs above ſpecified are cut off, and ſeparated from the Body, he ſhall fine him Five Hundred *Puns* of *Cowries*.

If a Man of an inferior Caſt and ſuperior Abilities, or of a ſuperior Caſt and inferior Abilities to another, ſhould ſtrike him with any Weapon upon the Ear, or upon the Noſe, or upon the Hand, or upon the Foot, or upon the Lip, or in the Eye, or upon the Tongue, or upon the *Penis*, or upon the Joint of the Knee, ſo that theſe Limbs are not ſeparated from the Body, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*; if, by that Stroke, any of theſe Limbs above ſpecified are cut off, and ſeparated from the Body, he ſhall fine him One Thouſand *Puns* of *Cowries*.

If a Man of an equal Caſt and ſuperior Abilities, or of a ſuperior Caſt and equal Abilities with another, ſhould ſtrike him with any Weapon upon the Ear, or upon the Noſe, or upon the Hand, or upon the Foot, or upon the Lip, or in the Eye, or upon the Tongue, or upon the *Penis*, or upon the Joint of the Knee, ſo that theſe Limbs are not ſeparated from the Body, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if, by that Stroke, any of theſe Limbs above ſpecified are cut off, and ſeparated from the Body, he ſhall fine him Two Thouſand *Puns* of *Cowries*.

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If a Man ſhould ſtrike a Woman with any Weapon upon the Ear, or upon the Noſe, or upon the Hand, or upon the Foot, or upon the Lip, or in the Eye, or upon the Tongue, or upon the *Pudendum*, or upon the Joint of the Knee, ſo that theſe Limbs are not ſeparated from the Body, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if, by that Stroke, any of the Limbs above ſpecified are cut off, and ſeparated from the Body, he ſhall fine him Two Thouſand *Puns* of *Cowries.*

If a Man deprives another of Life, the Magiſtrate ſhall deprive that Perſon of Life; if a *Bramin* deprives any Perſon of Life, the *Bramin*'s Life ſhall not be taken in return, but he ſhall be fined One Hundred *Aſhrufies:* A *Bramin* ſhall not be put to Death upon any Account whatever.

If a Man has put out both the Eyes of any Perſon, the Magiſtrate ſhall deprive that Man of both his Eyes, and condemn him to perpetual Impriſonment, and fine him Eight Hundred *Puns* of *Cowries.*

If a Man ſtrikes a *Bramin* with his Hand, the Magiſtrate ſhall cut off that Man's Hand; if he ſtrikes him with his Foot, the Magiſtrate ſhall cut off the Foot; in the ſame Manner, with whatever Limb he ſtrikes a *Bramin*, that Limb ſhall be cut off; but if a *Sooder* ſtrikes either of the Three Caſts of *Bramin*, *Chehteree*, or *Bice*, with his Hand or Foot, the Magiſtrate ſhall cut off ſuch Hand or Foot.

If many Perſons have aſſaulted a ſingle Man, in that Caſe, according to the Rates of Fines that have been ſpecified above, the Magiſtrate ſhall take Double of ſuch Fine from every Individual.

If a Magiſtrate has committed a Crime, and any Perſon, upon Diſcovery of that Crime, ſhould beat and ill-uſe the Magiſtrate, in that Caſe, whatever

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be the Crime of murdering One Hundred *Bramins*, ſuch Crime ſhall be accounted to that Perſon; and the Magiſtrate ſhall thruſt an Iron Spit through him, and roaſt him at the Fire: If a *Bramin* has committed a Crime of this Kind, One Hundred *Aſhrufies*, as before-mentioned, ſhall be taken from him, as a Fine; but he ſhall not be deprived of Life.

If Two Perſons, being of equal Caſt, are mutually prepared to ſtrike each other with their Fiſts, the Magiſtrate ſhall fine each of them Ten *Puns* of *Cowries*; if they ſtrike each other, the Magiſtrate ſhall fine each of them Twenty *Puns* of *Cowries*.

If Two Perſons of equal Caſt are mutually prepared to kick each other, the Magiſtrate ſhall fine each of them Twenty *Puns* of *Cowries*; if they kick each other, he ſhall fine each of them Forty *Puns* of *Cowries*.

If a Man of an inferior Caſt, proudly affecting an Equality with a Man of ſuperior Caſt, ſhould travel by his Side on the Road, or ſit or ſleep upon the ſame Carpet with him, the Magiſtrate ſhall take a Fine from the Man of inferior Caſt, to the Extent of his Abilities.

If a *Sooder* ſits upon the Carpet of a *Bramin*, in that Caſe, the Magiſtrate, having thruſt a hot Iron into his Buttock, and branded him, ſhall baniſh him the Kingdom; or elſe he ſhall cut off his Buttock.

If a *Sooder*, out of Pride, ſhould ſpit his Phlegm upon a *Bramin*'s Body, the Magiſtrate ſhall cut off his Lip; and if a *Sooder* piſſes upon a *Bramin*'s Body, the Magiſtrate ſhall cut off his *Penis*; and if he ſhould evacuate backwards his Wind upon a *Bramin*'s Body, the Magiſtrate ſhall cut off his Fundament.

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If a *Sooder* hath plucked a *Bramin* by the Hair, or by the Beard, or ſhould take hold of a *Bramin*'s Neck, or Teſticles, the Magiſtrate ſhall cut off both his Hands.

If a Man hath beaten another, in ſuch a Manner, that his Limbs are broken, or wounded, the Magiſtrate ſhall cauſe him to pay to that Man, ſuch a Sum of Money as will defray the entire Expence of the Cure.

Whoever, in any Diſpute or Diſturbance, hath committed any Robbery, or Theft, the Magiſtrate ſhall cauſe him to return to the Owner the Article ſtolen, and ſhall fine him in Double the Value thereof.

If a Wife, or a Son, or a Slave, or a Female Slave, or a Pupil, or a Younger Brother, hath committed a Fault, they may be ſcourged with a Laſh, or with a *Bamboo* Twig, upon any Part of their Body where no dangerous Hurt is likely to happen; but if a Perſon ſcourges them beyond ſuch Limitation, he ſhall ſuffer the Puniſhment of a Thief.

If a Pupil commits a Fault, his Maſter ſhall chaſtiſe him with ſevere Expreſſions, and reprove him with Frowns and Anger, and ſay, "If you commit the ſame Fault a Second Time, I will beat you;" and if a Pupil commits a Fault in the cold Seaſon, his Maſter may throw Water upon his Body.

If a Man hath beaten another, and afterwards this Man returns the Beating upon the Firſt, the original Offender ſhall pay a larger Fine, and the other ſhall pay a ſmaller Fine.

If a Man ſets fire to another Perſon's Houſe, with Intent to deſtroy him, or cauſes that Perſon to take Poiſon, or is deſirous to murder him with a Sword,

 or

or carries away that Perſon's Wife from his Houſe, and keeps her to himſelf, or plunders all that Perſon's Effects, or his Tillage, in that Caſe, if the latter deprives the former of Life, he ſhall not be amenable; but he ſhall not kill either a Cow or a *Bramin*, ſuch as theſe are ſeparately treated of in the Chapter of Juſtice.

If a Man of inferior Caſt ſcurrilouſly abuſes a Man of a ſuperior Caſt, and afterwards the ſuperior Caſt chaſtiſes the inferior, in that Caſe, the ſuperior Caſt ſhall not be amenable.

If a Man, out of Malice, having inflicted a Wound upon his own Body, ſhould make complaint againſt any other Perſon, in that Caſe, the Magiſtrate ſhall attend to the Sound of his Voice, as it comes from his Throat, to find out the Cauſe of the Wound; as whether, at the Time the Wound was received, both the Parties were in the ſame Place, or in different Places, whether the Perſon accuſed is capable of giving ſuch a Wound or no; upon Inveſtigation of this Kind, if the Voice in that Perſon's Throat ſhould vary, or if there is the inſtrumental Cauſe of the Wound produced, or if both Parties were in One Place when the Wound was given, or if the wounded Perſon is capable of chaſtiſing the other, in that Caſe, it ſhall be proved, that the Accuſed hath given the Wound; if the Cauſe cannot thus be ſettled, Witneſſes ſhall be called and examined, or an Oath, or the *Purrikeh*, ſhall be taken; and upon Diſcovery of the Truth, whatever Fine has been above ſpecified in ſuch Caſes, the Magiſtrate ſhall take ſuch a Fine from the Perſon who is convicted.

Whoever murders a Man, if another Perſon gives ſuch Murderer an Aſylum or Food, or hath furniſhed him with any Weapon for the Commiſſion of ſuch Murder, the Magiſtrate ſhall fine that Perſon One Thouſand *Puns* of *Cowries*.

SECT.

## SECT. II.

### *Of Cafes, where no Fine is taken.*

When a Woman is born from a Woman of the *Sooder* Caft, and a Man of the *Chehteree* Caft, fuch Woman is called *Wokree*; and the Son that is born from a Woman of the *Chehteree* Caft, and a Man of the *Sooder*, is called *Kehtà*; and the Son that is born from the Woman *Wokree*, and the Man *Kehtà*, is called *Shepàk*; if the *Shepàk* fhould abufe or affault any Perfon, that Perfon may chaftife him; if of himfelf he is unable to chaftife him, in that Cafe, the Magif-trate fhall punifh him according to the Fault, and fhall not take a Fine from him.

A Person born an Eunuch, a Man of the *Chendàl* Caft, or of the Fifher-man Caft, or of the Hunter Caft, or of the Elephant Driver's Caft, or of the *Gerhejàt* Slave (a Slave that is born of the Body of a Female Slave) if thefe fhould affault or abufe any Perfon, that Perfon may chaftife them; if of himfelf he is unable to chaftife them, the Magiftrate fhall chaftife them accord-ing to their Fault, but fhall not take a Fine.

A *Bramin's* Son, who hath not affumed the *Braminical* Thread until Fifteen Years of Age, is called *Beràyut*; alfo a Man of any low Caft, upon touching whom, the *Afhnàw* (that is Purification by Bathing) muft be performed, alfo whatever Son is born of a Mother of a fuperior Caft, and a Father of an infe-rior Caft, if thefe Perfons affault any Man, that Perfon may chaftife them; if of himfelf he is unable to chaftife them, the Magiftrate fhall chaftife them ac-cording to their Fault, but fhall not take a Fine.

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He who teaches the *Goiteree* is called *Achàrige*; whoever contradicts the Words of ſuch *Achàrige*, or whoever is conſtantly guilty of Deceit and Impoſition, or who is guilty of the Crimes of *Màhà Pàtuk*, or *Atee Pàtuk*, or any ſuch Crimes, if ſuch Men as theſe ſhould aſſault any Perſon, that Perſon may chaſtiſe them; if of himſelf he is unable to chaſtiſe them, the Magiſtrate ſhall puniſh them according to their Fault, but ſhall not take a Fine from them.

## S E C T. III.

### *Of the Fines for the Death of Animals.*

If a Man deprives of Life, a Goat, or a Horſe, or a Camel, the Magiſtrate ſhall cut off One Hand and One Foot from him.

If a Man cauſes the Teſticles to be cut from any Animal, as a Bull, or a Horſe, or a Goat, or any ſuch Kind of Animal, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries.*

If a Man kills a Bird of ſmall Value, the Magiſtrate ſhall fine him Three *Puns* of *Cowries*; if it be ſomewhat more valuable, he ſhall fine him Twelve *Puns* of *Cowries*; and if it be an exceeding fine Bird, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries.*

If a Man kills a Fiſh, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries.*

If a Man kills an Inſect, the Magiſtrate ſhall fine him One *Pun* of *Cowries.*

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Of wild and Sylvan Animals, ſuch as Stags, Sheep, Tigers, Bears, and ſuch Kind of Animals; if a Man kills One of the leaſt valuable, the Magiſtrate ſhall fine him Three *Puns* of *Cowries*; if it be ſomething better, he ſhall take Twelve *Puns* of *Cowries*; if it be One of the moſt valuable of theſe Animals, in that Caſe, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries*.

If a Man kills a Serpent, or a Cat, or a Weaſel, or a Dog, or a Boar, if it be not One of the moſt prized, the Magiſtrate ſhall fine him Three *Puns* of *Cowries*; if it be of the beſt Species, he ſhall fine him Twelve *Puns* of *Cowries*.

If a Man employs in Ploughing, or any other Work, a Cow big with Calf, or the Bull called *Ocherg*, or the Bull called *Beejeſhuktà*, or a very aged and infirm Cow (of which ſeveral Cattle an Account is written in the Chapter of Cities and Towns) the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries*; and if he deprives any ſuch of Life, he ſhall fine him One Thouſand *Puns* of *Cowries*.

Whoever gains his Subſiſtence by killing Animals, and ſelling their Fleſh, Skin and Bones, if ſuch Perſon kills theſe Animals, the Magiſtrate ſhall not fine him; and exclusive of ſuch Perſon, if any other Man kills any Animals, the Magiſtrate ſhall take from him a Fine, after the Rate above-mentioned.

If a Man kills a He-Goat, or a Sheep, or a Buffalo, or any other Animal of this Kind, for a Sacrifice to *Dewtah* (*i. e.*) the Deity, he ſhall not be amenable.

If a Man ſells the Fleſh of Dogs or Jackals, calling it the Fleſh of Goats or Stags, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries*; if he is conſtantly guilty of this Practice, the Magiſtrate ſhall cut off his Hand and his Noſe, and break his Teeth, and fine him One Thouſand *Puns* of *Cowries*.

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If a *Hackery* Driver, at the Time of driving the *Hackeries*, ſhould ſay, "Let all the People keep on One Side, this is the Road for the *Hackeries*," upon this Warning given by the Driver, if any Perſon ſhould fail to go on that Side, and, by falling under the *Hackery*, ſhould loſe his Life, in that Caſe, it is no Fault of the Driver; but if the *Hackery* Driver neglects to give Warning, and any Perſon ſhould be killed by falling under the *Hackery*, in that Caſe, upon the Man's Death, the Driver ſhall ſuffer the ſame Puniſhment as a Thief: If a Cow, or an Aſs, or a Camel, or a Horſe, or a Buffalo, or any ſuch Kind of Animals, ſhould be killed by falling under a *Hackery*, the Magiſtrate ſhall take Half the Fine, according to the Rates of Fines for killing ſuch Animals, herein above ſpecified; if the Foal of an Elephant, or of a Horſe, or of a Camel, or of any ſuch Kind of Animal be killed, the Magiſtrate ſhall take a Fine of Two Hundred *Puns* of *Cowries*; if a fine Fawn or a Bird ſhould be killed, he ſhall take a Fine of Fifty *Puns* of *Cowries*; and if an Aſs, or a Goat, or a Sheep, ſhould be killed, he ſhall fine him Five *Màſhehs of Silver*; and if a Dog or a Weaſel be killed, he ſhall fine him One *Màſheſh of Silver*.

If the Owner of a *Hackery* hires an incapable Driver, who is not well experienced in his Buſineſs, by whoſe Want of Skill any Animal, either Man, or Beaſt, or Bird, ſhould loſe its Life, the Magiſtrate ſhall fine the Owner of the *Hackery* Two Hundred *Puns* of *Cowries*.

If any of theſe Kind of Animals above-mentioned ſhould be killed, the Magiſtrate ſhall cauſe the Perſon who killed them, to give an Animal of the ſame Kind to the Owner of the Animal deſtroyed, and ſhall take a Fine, according to the Rate already above ſpecified.

CHAP.

# CHAP. XVII.

## *Of Theft.*



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## SECT. I.

### *Of Theft open and concealed.*

THEFT is, when a Man takes away any Thing without the Sight and Knowledge of the Owner of it, or without the Sight and Knowledge of the Perfon to whom it was intrufted, and afterwards fays, "I have not taken fuch Article;" and this admits of Two Diftinctions, open Theft, and concealed Theft.—Open Theft is, when a Man, having weighed and learnt the Weight of any Article, commits a Theft in that Weight, upon Delivery of the Article; as for Inftance, a Goldfmith, or an Ironmonger, or a Grocer, or any fuch Perfon who deals by Weight; or a Phyfician, who, not giving to a difeafed Perfon the Phyfick proper for his Diforder, adminifters fuch unfuitable Remedies,

Remedies, as that by them the Sicknefs of the Difeafed becomes more violent, and who afterwards fays, " This Man is feized with a moft difficult Diforder," and, upon faying this, takes any Thing for his Phyfick; or any Perfon, who, by the Chances of the Dice, or by any other Games of the fame unlawful Nature, takes away a Man's Property; or an Arbitrator, who receives a Bribe from either Plaintiff or Defendant; or, in a Cafe, where feveral Perfons have been jointly employed upon One Bufinefs, if any One of them deceives all the reft, and appropriates ought to himfelf; or if a Perfon fhould fay to another, " Some great Misfortune and Calamity is coming upon you, give me fomething, that I may make Offerings to *Dewtah*, to avert his Calamity from you," and afterwards fhould appropriate to himfelf the Article given, inftead of making fuch Offerings therewith; or a Man, who, concealing the Fault of any blemifhed Commodity, fells it for the Price of an unblemifhed Article of the fame Kind; or when a Man, by giving falfe Witnefs, takes away anothers Property; or a Man, who, by fhewing Tricks with Conjurors and Jugglers, gets any Thing; or a Man, who, either by terrifying another, or by cajoling him, contrives to get any Thing from him: Thefe are called open (or apparent) Thefts. Exclufive of thefe, all other Kinds of Theft, fuch as Houfe-Breaking, and other various Schemes of Robbery, are called concealed Theft: Both thefe Kinds of Thieves, the Magiftrate fhall apprehend; and, having told to the People the Fact of the Theft, fhall take a Fine from the Thief, to the Value of whatever Goods he hath ftolen. Alfo, whoever affociates with Thieves, or is found to have about him any Inftruments for piercing through Walls, or other Implements of Robbery, or any Goods that have been ftolen from any Perfon, fuch Perfons fhall be apprehended, convicted of Theft, and the Punifhment of a Thief without fail be inflicted on them; for, by punifhing Thieves, the Reputation of the Magiftrate is extended, and the Tranquillity of the Kingdom fecured.

SECT.

## SECT. II.

### *Of the Fines for open Theft.*

If a Man, in weighing any Article, hath by any Means with-held One Eighth of the Whole, the Magiſtrate ſhall fine him Two Hundred *Puns* of *Cowries*; if he hath thus with-held One Ninth, in that Caſe, out of the Two Hundred *Puns* of *Cowries*, One Eighth ſhall be deducted, and the other Seven Parts ſhall be taken as a Fine; if he hath committed a Theft of One Seventh, he ſhall be fined Two Hundred *Puns* of *Cowries*, and alſo One Eighth of that Sum in Addition; and if a Man, in computing, or in writing, or in the Price of any Article, or in any Mode of the ſame Kind, commits a Theft of One Eighth, the Magiſtrate ſhall fine him according to the aforeſaid Rates; if he is frequently guilty of this Kind of Theft, he ſhall cut off the Hair of his Head;* and whoever has a Paſſion, or ruling Propenſity to ſuch Thefts, his Ear, or his Noſe, or his Hand, or ſome ſuch Limb ſhall be cut off; if a Perſon, giving to another any inconſiderable Article, in Exchange for it, by ſome Device or Deceit, procures an Article of Value, or if he takes at a low Price any Article that ſhould be prized very high, if, by ſuch Device and Deceit, he hath occaſioned to the other a Loſs of One Sixth, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*; if there is a Loſs of One Fifth, or of a ſtill greater Proportion, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*.

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* Loſs of Caſt.

If a Man, proffering to ſell Grain for Seed, ſhould ſell Grain which is not fit for Seed, the Magiſtrate ſhall chaſtiſe him, and take a Fine according to the Offence.

If a Man conceals the Faults of any blemiſhed Commodity, or mixes good and bad Articles together, and ſells them all as good, or refits any old Article, and ſells it as new, the Magiſtrate ſhall cauſe him to give Double the Price of the Purchaſe to the Purchaſer, and ſhall fine him in the original Price of the Purchaſe.

If a Man ſhews to another the *Butkàràh*, or his own Stone Weight, and, going from the Shop to any other Place, ſays, "This Stone is in Weight One *Seer*," whereas, in truth, the Stone weighs leſs than One *Seer*, and the other Perſon being ignorant of the Deficiency of Weight in the above-mentioned Stone, ſhould ſell any Goods in the Shop of that Man, by the Weight of that Stone, in that Caſe, the Magiſtrate ſhall fine that Man Eight Times the Price of the Commodity ſold; and if he is frequently guilty of that Crime, the Magiſtrate ſhall confiſcate all his Goods.

Whoever uſes a Pair of falſe Scales, and adjuſts them fraudulently, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; whoever tries Gold and Silver, if he ſays, that, adulterated Gold or Silver is pure and fine, and gives it to any Man as ſuch, or if he ſays of pure Gold or Silver, that, it is adulterated, and takes it as ſuch, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*.

If the Magiſtrate's Counſellor gives Advice void of Juſtice, or gains a Subſiſtence by conſtantly receiving Bribes, the Magiſtrate ſhall confiſcate all the Poſſeſſions of ſuch Perſons, and baniſh them the Kingdom.

If

If a Phyfician, unfkilled in the Art of Phyfick, caufes any One to take a Medicine, or, if fkilled in his Profeffion, he gives not to a fick Man the Remedy proper for his Diforder, in that Cafe, if he hath adminiftered his Phyfick to a Man of a fuperior Caft, the Magiftrate fhall fine him One Thoufand *Puns* of *Cowries*; if he hath given it to a Man of an inferior Caft, he fhall fine him Five Hundred *Puns* of *Cowries*.

If a Man, by Device or Deceit, takes any Thing from a Perfon, who cannot diftinguifh between Good and Evil, the Magiftrate fhall fine him Five Hundred *Puns* of *Cowries*.

If a Man, ignorant of Aftrology, tells the Magiftrate of his own accord, that, fome Calamity will happen to him, the Magiftrate fhall fine him, according to the Extent of his Fortune.

If a Wafherman wears another Man's Cloaths, the Magiftrate fhall fine him Three *Puns* of *Cowries*.

If a Man fells White Copper, and Tutanague made to counterfeit Silver, theMagiftrate fhall break the Hand, Nofe, and Teeth of fuch Perfon, and fine him One Thoufand *Puns* of *Cowries*.

If a Man fells Silver, or any other Article made to counterfeit Gold, the Magiftrate fhall break his Hand, Nofe and Teeth, and fine him One Thoufand *Puns* of *Cowries*; if he is conftantly guilty of fuch Practices, the Magiftrate fhall cut him into Pieces with a Razor.

If a Man fells any White Stone made to counterfeit a Jewel, or the Thread of Cotton made to counterfeit Silk, or common Fuel Wood made to counter-

feit

feit Sandal Wood, in ſelling ſuch Counterfeits, whatever Price he has exacted, greater than the real Value of the Article, the Magiſtrate ſhall take Eight Times as much from him as a Fine.

If a Man ſells Clay made to counterfeit Muſk, or any other Articles, in ſelling it, whatever Price he has exacted, greater than the real Value of ſuch Article, the Magiſtrate ſhall take Eight Times as much from him as a Fine; and whatever Price the Purchaſer hath given, he ſhall receive it back again, and the Magiſtrate ſhall return to the Seller the Article ſold.

If a Man ſells any Article, by a nice Imitation and Counterfeit made to look like Pearls or Coral, whatever Price he hath received for ſuch Article, the Magiſtrate ſhall return that Price to the Purchaſer, and ſhall take Double of that Sum as a Fine, and the Seller ſhall receive back the Article ſold.

Gold, which, on being burnt One whole Day and Night, loſes Nothing of its Weight, is called pure Gold; when a Man ſhews ſuch Gold to a Perſon well ſkilled in aſſaying that Metal, and requires his Opinion of that Gold, if that Man anſwers, that, the Gold in Queſtion is not pure, in that Caſe, the Magiſtrate ſhall fine him according to his Means.

If One Hundred *Tolechehs* of Silver, upon being melted One whole Day and Night in the Fire, are but Two *Tolechehs* deficient, ſuch Silver is called pure; when a Man ſhews ſome ſuch Silver to a Perſon well ſkilled in aſſaying that Metal, and requires his Opinion of that Silver, if that Perſon anſwers, that, " The Silver in Queſtion is not pure, the Deficiency will be greater than the cuſtomary Two *Tolechehs*," in that Caſe, the Magiſtrate ſhall fine him according to his Means.

If

If One Hundred *Tolechehs* of *Arzeez* (Tin) and Lead, upon being melted One whole Day and Night in the Fire, are but Eight *Tolechehs* deficient, ſuch *Arzeez* and Lead are pure; when a Man ſhews ſome ſuch *Arzeez* and Lead to a Perſon well ſkilled in aſſaying thoſe Metals, and requires his Opinion thereon, if that Perſon anſwers, that, "This *Arzeez* and Lead are not pure, the Deficiency will be greater than that of the uſual Eight *Tolechehs*," in that Caſe, the Magiſtrate ſhall fine him according to his Means.

If One Hundred *Tolechehs* of Copper, upon being melted One whole Day and Night in the Fire, are Five *Tolechehs* deficient, or One Hundred *Maunds* of Iron, upon being melted One whole Day and Night in the Fire, are Ten *Maunds* deficient, and a Man ſhews ſome ſuch Copper and Iron to a Perſon well ſkilled in aſſaying thoſe Metals, if that Perſon ſays, " This Copper and Iron are not pure," the Magiſtrate ſhall fine him according to his Means.

If a Man gives to be woven One Hundred *Tolechehs* Weight of coarſe Cotton Thread, or of coarſe Silk, upon being finiſhed, its Weight ſhall be increaſed Ten *Tolechehs*; if he gives middling Thread, it ſhall be increaſed Five *Tolechehs*; if he gives fine Thread, it ſhall be increaſed Three *Tolechehs*; ſuch Cloth, if a Man ſhews to a Perſon well ſkilled in judging theſe Matters, and that Perſon ſays leſs than the Weight herein above ſpecified, the Magiſtrate ſhall fine him according to his Means.

## SECT. III.

### *Of the Fines for concealed Theft.*

Whoever, by breaking through Walls, hath frequently ſtolen much Wealth, the Magiſtrate ſhall cauſe the Booty to be returned to the Owners, and ſhall cut off both the Hands of ſuch Perſon, and crucify him.

Whoever robs on the Highway, the Magiſtrate ſhall cauſe a Rope to be tied about his Neck, and ſhall thus deprive him of Life.

A Thief, who, by plundering in his own Country, ſpoils the Province, the Magiſtrate ſhall confiſcate his Goods, and crucify him; if he robs in another Kingdom, he ſhall not confiſcate his Poſſeſſions, but ſhall crucify him.

If a Man ſteals any Man of a ſuperior Caſt, the Magiſtrate ſhall bind the Graſs *Beenà* (a particular Species of Graſs ſo called) round his Body, and burn him with Fire; if he ſteals a Woman of a ſuperior Caſt, the Magiſtrate ſhall cauſe him to be ſtretched out upon a hot Plate of Iron, and, having bound the Graſs *Beenà* round his Body, ſhall burn him in the Fire.

If a Perſon ſteals a Man or Woman of a middling Caſt, the Magiſtrate ſhall cut off both his Hands and Feet, and caſt him out upon a Highway where Four Roads meet.

If a Perſon ſteals a Man of an inferior Caſt, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if he ſteals a Woman of an inferior Caſt, the Magiſtrate ſhall confiſcate all his Property.

If

If a Man, in the Time of War, ſteals an Elephant or a Horſe, the Magiſtrate ſhall deprive him of Life; if it is not in Time of War, he ſhall cut off from him One Hand and One Foot.

If a Man ſteals an Elephant or a Horſe excellent in all Reſpects, the Magiſtrate ſhall cut off his Hand, and Foot, and Buttock, and deprive him of Life.

If a Man ſteals an Elephant or a Horſe of ſmall Account, the Magiſtrate ſhall cut off from him One Hand and One Foot.

If a Man ſteals a Camel or a Cow, the Magiſtrate ſhall cut off from him One Hand and One Foot.

If a Man ſteals a Goat or a Sheep, the Magiſtrate ſhall cut off One of his Hands.

If a Man ſteals any ſmall Animal, excluſive of the Cat and the Weaſel, the Magiſtrate ſhall cut off Half his Foot.

If a Man ſteals a greater Quantity than Ten *Kombehs* of *Paddee*, or Wheat, or Barley, or ſmall *Grâm*, or *Doll*, or Grain, or Muſtard-Seed, or *Kunjud*, or any ſuch Sorts of Grain, the Magiſtrate ſhall deprive him of Life.

The Mode of Computation of the *Kombeh* is this:

Three *Tolechehs*, Two *Mauſhs* and Eight *Surcks* make One *Pul*;
Four *Puls* - - - - - - - - - - - - - - - - - - - - One *Koodup*,
Four *Koodups* - - - - - - - - - - - - - - - - - - - - One *Periſt*,

Four

Four *Perùsts* - - - - - - - - - make - - - - - - - One *Adhuk*,
Four *Adhuks* - - - - - - - - - - - - - - - - - - - - One *Deroon*,
Twenty *Deroons* - - - - - - - - - - - - - - - - - - One *Kombeh:*

*According to the Ordinations of Kulp-teroo.*

*Pàcheshputtee Misr* says, that,

Twelve *Handfuls* - - - - - - make - - - - - - One *Koodup*,
Four *Koodups* - - - - - - - - - - - - - - - - - - - One *Perùst*,
Four *Perùsts* - - - - - - - - - - - - - - - - - - - One *Adhuk*,
Four *Adhuks* - - - - - - - - - - - - - - - - - - - One *Deroon*,
Twenty *Deroons* - - - - - - - - - - - - - - - - - One *Kombeh.*

But, according to the Ordinations of *Sewàrteh Behtàchàrige*, it is thus:

Eight *Handfuls* - - - - - - - make - - - - - - One *Kooncby*,
Eight *Kooncbys* - - - - - - - - - - - - - - - - - - One *Pooskul*,
Four *Pooskuls* - - - - - - - s - - - - - - - - - - One *Adhuk*,
Four *Adhuks* - - - - - - - - - - - - - - - - - - - - One *Deroon*,
Twenty *Deroons* - - - - - - - - - - - - - - - - - - One *Kombeh.*

*** This is approved (or customary.)

If a Man steals a lesser Quantity than Ten *Kombehs* of *Paddee*, or Wheat, or Barley, or small *Gràm*, or *Doll*, or Grain, or Mustard-Seed, or *Kunjud*, or any such

ſuch Sorts of Grain, in that Caſe, the Magiſtrate ſhall take, as a Fine from the Thief, Eleven Times as much as the Quantity ſtolen, and return the Article ſtolen to the Owner.

If a Man ſteals from another Perſon's Granary as much *Paddee*, or Wheat, or Barley, or ſmall *Grâm*, or *Doll*, or Grain, or Muſtard-Seed, or *Kunjud*, or any ſuch Kinds of Grain as may be computed to be a ſufficient Burden for One Man to carry, in that Caſe, the Magiſtrate ſhall cauſe the aforeſaid Grain to be returned to the Owner, and ſhall fine the Thief One Hundred *Puns* of *Cowries*.

If a Man ſteals from his Friend's Granary as much Grain as may be computed a ſufficient Burden for One Man to carry, the Magiſtrate ſhall cauſe the aforeſaid Grain to be returned to the Owner, and ſhall fine the Thief Fifty *Puns* of *Cowries*.

If a Man ſteals Grain that has been reaped, which has not yet been taken from the Straw, the Magiſtrate ſhall fine him Five Coins of Gold, and give back the aforeſaid Grain to the Owner.

If a Man hath cultivated, by Shares, the Arable Land of any Perſon, and, for want of his proper Care and Cuſtody, the Crop on that Ground ſhould be ſtolen, in that Caſe, whatever Share of Produce of that Ground the Cultivator was to have received, the Magiſtrate ſhall fine him Ten Times as much, and ſhall cauſe to be given to the Owner of the Ground whatever was his proportionate Share; if it be ſtolen by the Fault of the Cultivator's Servant, he ſhall only pay Five Times as much for the Magiſtrate's Fine, but the Servant ſhall be held to make good the Fine.

If a Man ſteals Camphire, or round Pepper, or Cardamoms, or Nutmegs, or Cloves, or ſuch Kind of Things which are weighed in ſmaller Scales, the Magiſtrate ſhall cauſe the Article ſtolen to be returned to the Owner, and ſhall

fine the Thief Ten Times as much; if he ſteals of theſe Things more than the Value of Ten *Rupees*, the Magiſtrate ſhall deprive him of Life.

If a Man ſteals Gold, or Silver, or fine Cloth, to a greater Amount than One Hundred *Rupees*, the Magiſtrate ſhall deprive him of Life; if he ſteals to a leſs Amount than One Hundred *Rupees*, and to a greater Amount than Fifty *Rupees*, he ſhall cut off his Hand; if he ſteals leſs than the Value of Fifty *Rupees*, and more than that of Twenty-five *Rupees*, the Magiſtrate ſhall fine him Eleven Times as much; if he ſteals to a leſs Value than Twenty-five *Rupees*, the Magiſtrate ſhall chaſtiſe him, and cauſe the Article ſtolen to be returned to the Owner.

If a Man ſteals Jewels of a conſiderable Value, the Magiſtrate ſhall deprive him of Life; if they are of ſmall Value, he ſhall fine him One Thouſand *Puns* of *Cowries*, and give back the Jewels to the Owner.

If a Man, in the Seaſon of cultivating Land, and of ſowing Grain, ſteals a Plough, or any other Implement of Huſbandry, the Magiſtrate ſhall cauſe ſuch Implement to be returned to the Owner, and ſhall fine that Man One Hundred and Eight *Puns* of *Cowries*.

If a Man ſteals *Turreh*, that is to ſay *Sagh*, that is, Greens or Roots, ſuch as Ginger, or Onions, or *Tûrb*, that is, Radiſhes, or any ſuch Kind of Things, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries*, and cauſe the Article ſtolen to be returned to the Owner.

If a Man ſteals Milk, or any Thing that is made of Milk, the Magiſtrate ſhall cauſe the Thing ſtolen to be returned to the Owner, and ſhall take Double of the Value for a Fine.

If

If a Man ſteals the Flowers called *Mâaſifer*, or *Kooſm*, or ſuch Kind of Flowers as are uſed in dying Cloths, or the *Luttâ* Tree, or any other Shrub, the Magiſtrate ſhall cauſe the Article ſtolen to be returned to the Owner, and take Five Coins of Gold as a Fine.

If a Man ſteals Cane, or *Bamboo*, or any ſuch Wood, which is hollow within, the Magiſtrate ſhall cauſe the Article ſtolen to be returned to the Owner, and take Double the Value thereof as a Fine.

If a Man ſteals Thread, or Cotton, or Cow Dung, or Hay, or Water, or Sugar, or Cane *Tokeries* (a *Tokerie* is a Baſket made of Cane, wherein any Thing may be depoſited) or Salt, or Earthen Pots, or Clay, or Sand, or Duſt, or Fiſh, or Birds, or bitter Oil, or Meal, or Honey, or Leather, or the Teeth or the Bones of Animals, or Spirituous Liquor, or Victuals, or Fruit, the Magiſtrate ſhall cauſe the Article ſtolen to be returned to the Owner, and ſhall fine the Thief in Double the Value.

If a Man hath been guilty of great Theft in theſe Articles, the Magiſtrate ſhall fine him Five Times the Value.

If a Man ſteals any Wood which has been prepared for any particular Purpoſe, or Stone, or Images of Clay of an excellent Shape, or a Baſket of *Beet* (*Beet* is a Sort of Graſs which has Prickles on its Back) the Magiſtrate ſhall cauſe the Commodity ſtolen to be returned to the Owner, and ſhall take Five Times as much for a Fine.

If a Man ſteals the Water of a Pool, or of a Baſon, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*; and whatever Quantity of Water he hath ſtolen, he ſhall cauſe to be returned to the Owner.

If a Man, having ſtolen any Thing, affirms, that, he hath not ſtolen it, and the Fact is afterwards proved upon him, the Magiſtrate ſhall take from him a Fine of Four Times as much, and cauſe the Article ſtolen to be reſtored to the Owner.

If a Man ſteals One Wheel, or any other Part of the Furniture of a *Hackery*, the Magiſtrate, cauſing ſuch Article to be returned to the Owner, ſhall fine the Thief Forty *Puns* of *Cowries.*

If a Man ſteals a *Chuckreh* (or ſmaller Sort of *Hackery* uſed for carrying Burdens) the Magiſtrate ſhall fine him One Hundred and Eighty *Puns* of *Cowries.*

If a Man ſteals the Fire of the *Jugg*, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries.*

If a Man ſteals the Bucket and Rope that is at the Mouth of a Well, the Magiſtrate ſhall fine him One *Màſheh of Gold.*

If a Man, with Intent to ſteal, ſhould once open any Thing that is cloſed up, and ſhould be caught in the Act, the Magiſtrate ſhall cut off his Finger; if he ſhould thus open any Thing a Second Time, he ſhall cut off his Hand and Foot; if he opens any Thing the Third Time, he ſhall be put to Death.

If a Man, with Intent to ſteal, ſhould bind up any Thing that is open, and be caught in the Act, the Magiſtrate ſhall cauſe him to be puniſhed as a Thief.

If a Man ſteals any Flowers, or Fruits, or Wood, or Graſs, belonging to a *Bramin*, the Magiſtrate ſhall cut off his Hand.

In

In Thefts, where the Magiſtrate would put to Death a Man of any other Caſt, if the Offender be a *Bramin*, he ſhall not be put to Death.

If any *Bramin*, who is a Man of Property, and doth not ſtudy the *Beids*, ſhould commit a Robbery that deſerves Death, the Magiſtrate ſhall not put him to Death, but he ſhall confiſcate all his Effects, and baniſh him from the Kingdom.

If any *Bramin*, who is poor, and who alſo neglects to ſtudy the *Beids*, ſhould commit a Robbery that deſerves Death, the Magiſtrate ſhall faſten a Chain to the Leg of ſuch *Bramin*, and cauſe him to become a Slave for Life, and give him ſuch a Subſiſtence, as that at all Events his Life may be preſerved.

If a learned *Bramin*, whether rich or poor, commits a Robbery that deſerves Death, the Magiſtrate ſhall confine him in Priſon for Life.

If a *Bramin* of moderate Capacity, who is neither very learned, nor very ignorant, commits a Robbery that deſerves Death, the Magiſtrate ſhall ſtamp the Mark of the *Pudendum Muliebre* upon his Forehead with a hot Iron, and baniſh him from the Kingdom.

If a *Bramin* of no Capacity, who is not firm in the Principles of his Caſt, commits a Robbery that deſerves Death, the Magiſtrate ſhall put out his Eyes.

If a *Bramin*, who every Day performs the *Jugg*, commits a Robbery that deſerves Death, the Magiſtrate ſhall cut off the Hair of his Head.

If a *Bramin*, not having any Means of Subſiſtence, ſhould at ſuch Time ſteal merely as much as is neceſſary to ſupport himſelf, the Magiſtrate ſhall not take any Fine from him, but ſhall cauſe him to make the *Peràſhchut* (or Expiation.)

Exclusive of the Articles above ſpecified, if a Perſon ſteals any other Articles, the Magiſtrate ſhall fine him in the Price of ſuch Article, whatever it may be.

## S E C T. IV.

### *Of Apprehending Thieves.*

If a Man ſhould find upon any Perſon Irons for breaking into Houſes, or any other Implements of Robbery, he ſhall call him a Thief, and apprehend him.

If a Man ſees another Perſon in Poſſeſſion of Things not ſuitable to him, he ſhall ſuſpect him to be a Thief.

A Man, who has no Income, and whoſe Expences are large, ſuch Man ſhall be ſuſpected for a Thief.

When a Perſon is ſuſpected to be a Thief, he ſhall be aſked in what Quarter his Habitation is, in what Kingdom, in what Town, in what Place, and of what Caſt he is, and what his Name is? upon ſuch Queſtions, if, in giving his Anſwer, he ſhould change Colour, or his Voice ſhould alter, or he be ſeized with

with a Trembling, and cannot ſpeak with Eaſe, and ſatisfactorily, and prevaricates in his Account, and cannot prove his Habitation or his Caſt to be what he affirms, and ſpends his Money always in criminal Expences, and holds an Intimacy with bad Men, and all this is proved, he ſhall be judged a Thief; if theſe Signs are not found upon him, he is not a Thief.

From a Place whence any Thing has been ſtolen, if they can trace the Footſteps of the Robbers to the Houſe of any Perſons, or if the Article ſtolen hath by little and little dropped in the Way, and may be traced to that Perſon's Houſe, or if ſuch ſtolen Goods be found upon any Perſon, he ſhall be called the Thief, and apprehended accordingly.

If the Footſteps of a Thief may be traced for ſome little Diſtance, or if the Article ſtolen hath dropped for a little Diſtance, and afterwards no farther Sign can be found, then, whatever Town is near the Place where theſe Signs have for a little Way extended, the Thief ſhall be judged to lurk in that Town; if there are Two Towns near that Spot, then the Thief ſhall be ſuſpected to be in either of thoſe Towns where there are moſt People who are capable of committing a Robbery; and whoever is taken up on Suſpicion of the Robbery ſhall be obliged to take his Oath, or ſtand the *Purrikeh* (or Ordeal.)

If a *Bramin*, or a *Chehteree*, or a *Bice*, being on a Journey, ſhould not have wherewithal to furniſh his Expences upon the Road, and, for that Purpoſe, ſhould take from the Lands of any Stranger Two Plants of Sugar Cane, or Two Radiſhes, and eat them, in this Caſe, they are not to be taken for Robbers; and ſuch Perſons alſo are permitted to take as much as they can eat of the Fruit of ſuch Trees as bear Fruit with Bloſſoms, and they may alſo take and eat the Roots of ſuch Trees.

If

If a Man takes Wood from a Stranger's Trees, for the Purpofe of performing the *Jugg*, he fhall not be reckoned a Thief; and whoever takes Grafs for an Offering to Cows, fuch Perfon alfo is not a Thief.

If a *Bramin* takes from the Land of a Stranger Wood for the *Jugg*, or Flowers, or the Grafs *Kofe* (which is a particular Species of Grafs) he fhall not be taken for a Thief.

## S E C T. V.

### *Of thofe Perfons who are to be confidered as Thieves.*

If any Perfon, wearing the *Braminical* Thread, fhould receive any Thing from a Thief, knowing him to be fuch, for inftructing him in any Science, fuch *Bramin* is to be confidered like a Thief.

If any Perfon fets Fire to any Man's Houfe, with Intent to fteal any Thing from thence, fuch Perfon is to be confidered as a Thief.

If a Man furnifhes Victuals for a Thief, knowing him to be fuch, that Perfon alfo is to be confidered as a Thief.

If a Man furnifhes another with Irons for Houfe-Breaking, and fuch other Implements for the Commiffion of Theft, he alfo is to be confidered as a Thief.

If a Man furnifhes a Place of Abode for a Thief, knowing him to be fuch, that Man alfo is to be confidered as a Thief.

When

When a Thief has an Intention to ſteal any particular Article, if any Stranger acts in ſuch a Manner as to give the Thief an Opportunity of ſtealing that Article, he alſo is to be conſidered as a Thief.

If any Man gives a Thief Inſtruments for the Commiſſion of Theft, he alſo is to be conſidered as a Thief.

When a Thief goes to any Diſtance to commit a Robbery, if another Perſon, knowing him to be a Thief, furniſhes him with Proviſions for his Journey, he alſo is to be conſidered as a Thief: The Magiſtrate ſhall fine a Man, in any One of theſe Predicaments, One Thouſand *Puns* of *Cowries.*

If a Perſon, who is able to apprehend Thieves, upon Diſcovery of a Thief, ſhould not apprehend him, he alſo is to be conſidered as a Thief: The Magiſtrate ſhall inflict upon ſuch Perſon Half the Puniſhment of a Thief.

He who conceals a ſtolen Article ſhall alſo be conſidered as a Thief: The Magiſtrate ſhall inflict upon ſuch Perſon Half the Puniſhment of a Thief.

He who purchaſes a ſtolen Article, knowing it to be ſtolen, is alſo to be conſidered as a Thief: The Magiſtrate ſhall inflict upon ſuch Perſon Half the Puniſhment of a Thief.

If a Magiſtrate has not ſufficient Power to puniſh a Thief, and, in that Caſe, even gives him wherewithal to ſubſiſt, then it is no Fault of the Magiſtrate.

If a Perſon, who has been appointed by the Magiſtrate to take care of the Peace of the Country, does not properly execute his Office, he alſo is to be

considered as a Thief: The Magistrate shall inflict upon such Person Half the Punishment of a Thief.

If a Person finds any stolen Commodity in the Hands of any Man upon the Road, and does not punish that Person to the utmost of his Power, the Magistrate shall banish such Person from the Kingdom.

## SECT. VI.

### *Of the Chokeydàrs (or Watchmen) making good Stolen Articles.*

Whoever are appointed by the Magistrate, for the Protection of any City or Town, shall be held to protect such City or Town; if any Thing be stolen in such City or Town, and those Persons cannot produce the Thief, they shall make good the Article stolen.

If a Robbery is committed out of a City or Town, the Head Person of that City or Town shall make good the Theft; if the Theft is committed in the unfrequented Part of the Country, the Magistrate shall make it good; and afterwards the said Magistrate, having by Search detected the Thief, shall cause him to make good the Article stolen: If the Magistrate does not act thus, he is criminal; if he can take the Thief, he shall deliver him over to the Owner of the Article stolen.

If a Man, who hath lost a Number of Articles by Theft, should find any One of those Articles upon any Person, he shall oblige that Person to make good the whole; if the Owner of that Article says, "A great Number of other Things were stolen at the same Time with this," and the other Person

says,

ſays, "I took Nothing but this One Article," then this Perſon ſhall either take his Oath, or ſtand to the *Purrikeh* (Ordeal) and if the aforeſaid Article was found in any Place, or was purchaſed, then, if he can produce the Perſon from whom it was purchaſed, there is no Claim upon the Perſon accuſed.

If the Guards and Watchmen find any ſtolen Articles upon a Thief, and do not know the Owner of thoſe Articles, the Magiſtrate ſhall detain in ſafe Cuſtody thoſe Goods for One Year; if, within the Year, the Owner of the Goods ſhould come and prove his Property therein, the Magiſtrate ſhall give up the Things to him; and if there is no Owner, he ſhall keep the Goods to himſelf.

According to the Ordinations of *Pàcheſhputtee Miſr.*

If the Guards and Watchmen find any ſtolen Articles upon a Thief, and do not know the Owner of thoſe Articles, the Magiſtrate ſhall detain the Goods in ſafe Cuſtody for One Year; if, within the Year, the Owner of the Goods ſhould not appear, he ſhall give One Quarter Share of the Goods to the Watchmen, and keep the remaining Three Quarters thereof to himſelf.

According to the Ordinations of *Chendeeſur*: Approved (or cuſtomary)

If a Watchman hath found any ſtolen Goods, and a Perſon ſhould ſay, "This Article is my Property," he ſhall then inquire of that Perſon, what Article it was that was ſtolen from him, and of what Kind it was, and of what Size or Quantity, and from what Place, and on what Day it was ſtolen? then, if that Perſon, according to each Queſtion, can give in an Anſwer with Proof, the Magiſtrate ſhall give up the Article to him; if he cannot bring Proof, then, whatever was the Value of the Thing claimed, the Magiſtrate ſhall take ſo much from him as a Fine.

## CHAP. XVIII.

### *Of Shâhesh*, i. e. *Violence (which has Three Distinctions.)*

1. When a Man by Violence breaks, or throws away, or takes to himself any Fruit, or Flowers, or the White Stone called *Pehteek*, or any Roots, such as Ginger and Radishes, and such Kind of Things, or a Plough, or any Implements of Ploughing, and suchKind of Things of inconsiderable Value, belonging to a Stranger.

2. When a Man throws a Serpent into a Stranger's House, or breaks down a Stranger's Wall, or breaks down a Bridge, or tears a Flag, or by Violence takes to himself, or spoils,or throws away the Animals, the Victuals and Drink, or Cloaths of a moderate Value, or any such Kind of Things of a moderate Value, belonging to a Stranger.

3. When a Man by Violence takes to himself, or spoils, or throws away any Image of *Dewtah (i. e.)* the Deity, or a Well, or a Bank, or any Grain, or the Walls of a City, or any valuable Cloaths, or Jewels of a high Price, or the Effects consecrated to *Dewtah*, or the Effects of a *Bramin*, or such Kind of valuable Articles, or commits Murder.

If a Man takes to himself, or spoils, or throws away any choice Fruit, or Flowers, belonging to another Person,the Magistrate shall cause him to return to that Person such Fruit and Flowers, and shall fine him One Hundred *Puns* of

of *Cowries*; and if he ſpoils or takes to himſelf any ordinary Fruit or Flowers, the Magiſtrate ſhall fine him in Five Times their Value.

If a Man very much injures and breaks the White Stone called *Pehteek*, belonging to another Perſon, the Magiſtrate ſhall cauſe him to give to that Perſon a Stone of the ſame Kind, or the Value of it, and ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*; if it is not ſo much broken, he ſhall take a ſomewhat leſs Fine; if it be broken but a little, he ſhall take a ſtill ſmaller Fine from him.

If a Man dams up the Channel, through which the Water is brought to fill a Pool, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*, and cauſe him to repair the Channel.

If a Man, by Violence, breaks down a Perſon's Houſe, together with the Wall, the Magiſtrate ſhall cauſe him to repair the ſaid Houſe and Wall, and ſhall fine him Five Hundred *Puns* of *Cowries*; if he breaks down the Wall, the Magiſtrate ſhall cauſe him to repair the Wall, and ſhall fine him Forty *Puns* of *Cowries*; if he breaks the Wall in ſuch a Manner that it be cracked, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries*; if he hath acted in ſuch a Manner that the Wall muſt ſoon be broken, he ſhall fine him Fifteen *Puns* of *Cowries*.

If a Man, by Violence, throws into another Perſon's Houſe a Snake, or any other Animal of that Kind, whoſe Bite or Sting is mortal, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*, and make him throw away the Snake with his own Hand.

If a Perſon, by Violence, throws into another Man's Houſe any Thing that cauſes him a grievous Moleſtation, the Magiſtrate ſhall fine that Perſon One

 Hundred

Hundred *Puns* of *Cowries*, and make him throw away the offenſive Article with his own Hand.

If a Man throws a Brier into any Perſon's Houſe, the Magiſtrate ſhall fine him Sixteen *Puns* of *Cowries*, and make him throw away the Brier with his own Hand.

If a Man breaks a Bridge, or tears a Flag, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*, and cauſe him to repair the Bridge or the Flag.

If a Man breaks a large Bridge, the Magiſtrate ſhall deprive him of Life.

If a Man, by Violence, breaks or burns a valuable Image of *Dewtah*, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if it be a middling Image, he ſhall fine him Eight Hundred *Puns* of *Cowries*; if it be an Image of ſmall Importance, he ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*.

If a Man, by Violence, breaks or ſpoils a Garden, or a Well, or a Bank of Land, the Magiſtrate ſhall fine him Eight Hundred *Puns* of *Cowries*.

If a Man, by Violence, ſpoils any Seeds or Grain belonging to another, the Magiſtrate ſhall fine him in proportion to the Offence.

If a Man ſets fire to the Tillage or Plantation of another, or ſets fire to a Houſe, or to a Granary, or to any uninhabited Spot where there is much Fruit or Flowers, the Magiſtrate, having bound that Perſon's Body in the Graſs *Beenà* (which is a particular Species of Graſs) ſhall burn him with Fire.

If a Man breaks down the Walls of a City, or fills up the Ditch that defends the City, the Magiſtrate ſhall deprive him of Life.

If

If a Man imprifons a Perfon who is innocent, and not worthy of Imprifonment, or if he releafes a Perfon whom it is his Duty to confine, the Magiftrate fhall fine him One Thoufand *Puns* of *Cowries*.

If a Magiftrate, by Violence, forces a Fine from a Man who is guiltlefs, or confers Favours upon One who is guilty, that Magiftrate fhall pay a double Fine.

If feveral Perfons deprive any One living Creature of its Life, the Magiftrate fhall fine the Perfon, by whofe injurious Treatment the Animal was deprived of Life, a Mulct, in proportion to what has been already ftated as a Fine for the Death of each particular Animal, and he fhall fine all the reft Half as much.

If a Man either knowingly or ignorantly fpoils a great Number of Articles belonging to another, the Magiftrate fhall fine him Double of what has been fpecified for the Fine upon fpoiling each particular Article.

If a Man ftrikes either his Mother, his Father, or his Spiritual Guide, with his Hand, the Magiftrate fhall cut off his Hand; if with his Foot, he fhall cut off the Foot; in the fame Manner, with whatever Limb he affaults, that Limb fhall be cut off.

Exclusive of the Crimes and Fines above fpecified, if a Man commits a Crime of the Firft Diftinction of the *Shâhefh*, the Magiftrate, caufing the Article to be made good to the Proprietor, and inquiring into the Degree of the Guilt, fhall fine the Offender refpectively from One Hundred to Two Hundred

dred and Fifty *Puns* of *Cowries*; if he commits a Crime of the Second Diſtinction of the *Shàheſh*, or middling Offences, the Magiſtrate, inquiring into the Degree of the Guilt, ſhall fine him from Two Hundred and Fifty to Five Hundred *Puns* of *Cowries*; if he commits a Crime of the Third Diſtinction of the *Shàheſh*, or worſt Offences, the Magiſtrate, inquiring into his Caſt and the Degree of the Guilt, according to the Offence, ſhall fine him in Double the Value of the Article, or ſhall fine him equal to the Value of the Article, or ſhall fine him One Thouſand *Puns* of *Cowries*, or ſhall fine him his whole Property, or ſhall brand him in the Forehead, with a hot Iron, with the Mark of the *Pudendum Muliebre*, or ſhall baniſh him from the Kingdom, or ſhall cut off his Hand, or his Foot, or ſome other Limb, or ſhall deprive him of Life.

If a Perſon ſhould be found dead in any Place, and it is not known who killed him, then the People ſhall aſk his Son, or whatever other Perſon is in his Family, whether or no the Deceaſed was at Enmity with any Perſon; or whether he had any ſevere Diſorder; or whether his Wife is of bad Principles or not? and alſo with whom the Deceaſed went out, and upon what Occaſion? and they ſhall alſo, in a friendly Manner, ſift the Perſons upon the Spot where the Deceaſed died, by aſking, "How did this Perſon die? you muſt certainly know;" then, if the Deceaſed was at Enmity with any Perſon, and that Perſon be near at hand, it ſhall be conſidered, whether that Perſon killed him; and if he had any ſevere Diſorder, it ſhall be conſidered, whether he died of that Diſorder; and if his Wife be of bad Principles, then the Suſpicion falls upon her; and if the Perſon, with whom he went out upon Buſineſs, be of bad Character, the Suſpicion falls upon him; and whatever Article was about the Deceaſed, if that Article be found upon any Perſon, he is to be ſuſpected; and if any Signs be found upon thoſe Men whom they queſtion, the Magiſtrate, or the Magiſtrate's Officers, upon the ſame Conjecture, ſhall cauſe whoever is taken up either to undergo the *Purrikeh* (Ordeal) or to take an Oath; if, by the

the Oath, or by the *Purrikeh*, any Perſon be found guilty, the Magiſtrate ſhall put to Death both him and his Accomplices; if he be found innocent, he ſhall be releaſed.

## CHAP. XIX.

### *Of Adultery.*



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## SECT. I.

### *Of the feveral Species of Adultery, which are of Three Sorts.*

*Firft* Species is, when, in a Place where there are no other Men, a Perfon, with Intent to commit Adultery, holds any Converfation with a Woman, and Winks, and Gallantries, and Smiles pafs on both Sides; or the Man and Woman hold Converfation together in the Morning, or in the Evening, or at Night, or any fuch improper Times; or the Man dallies with the Woman's Cloaths, or fends a Pimp to her; or the Man and Woman are together in a Garden, or an unfrequented

unfrequented Spot, or ſuch other ſecret Place, and bathe together in the ſame Pool, or other Water; or the Man and Woman meet together in One viſiting Place: This is called the Firſt, or moſt trifling Species.

*Second* Species is, when a Man ſends Sandal Wood, or a String of Beads, or Victuals and Drink, or Cloaths, or Gold, or Jewels to a Woman: This is called the Second, or middle Species.

*Third* Species is, when the Man and Woman Sleep and Dally upon the ſame Carpet, or in ſome retired Place kiſs and embrace, and play with each others Hair; or when the Man carries the Woman into a retired Place, and the Woman ſays Nothing: This is called the Third, or worſt Species of Adultery.

## S E C T. II.

### *Of the Fines for the ſeveral Species of Adultery.*

UPON the Firſt Species, the Magiſtrate ſhall take a Fine of Two Hundred and Fifty *Puns* of *Cowries*; upon the Second Species, he ſhall take a Fine of Five Hundred *Puns* of *Cowries*; upon the Third Species, he ſhall take a Fine of One Thouſand *Puns* of *Cowries*; from a Man who commits theſe ſeveral Species, if he be wealthy, a ſtill larger Fine ſhall be taken.

IF a Man of an inferior Caſt commits the Firſt Species with a Woman of a ſuperior Caſt, with a criminal Intent, the Magiſtrate ſhall fine him Eight Hundred *Puns* of *Cowries*; if he commits the Second Species, he ſhall

cut

cut off One of his Limbs; if he commits the Third Species, he ſhall deprive him of Life.

If a Man, having at firſt begun a trifling Converſation with a Woman, afterwards increaſes and prolongs ſuch Converſation, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man, without any criminal Intention, holds a Converſation upon Buſineſs with a Woman no ways related to him, he ſhall not be fined.

If a Man commits the ſeveral Species above deſcribed with a common Proſtitute, he ſhall not be fined.

If a Man commits the ſeveral Species above deſcribed with a Girl, whoſe Profeſſion is Singing and Dancing, in Preſence of the Owner of that Girl, he ſhall not be fined; if he ſays any Thing to her ſecretly, the Magiſtrate ſhall take a ſmall Fine from him.

If a Woman, who has a Maſter, goes of her own accord to the Houſe of another Perſon, and holds Converſation with him, that Perſon ſhall not be fined.

If a Man hath forbid another to hold any Converſation with a Girl belonging to him, and that Perſon afterwards enters into Diſcourſe with that Girl, the Magiſtrate ſhall fine that Perſon Two Hundred *Puns* of *Cowries*; and if he has given his Girl the ſame Prohibition, and ſhe afterwards holds any Diſcourſe with that Perſon, the Magiſtrate ſhall fine that Girl One Hundred *Puns* of *Cowries*; if he hath given this Prohibition both to the Man and the Woman, and they afterwards hold Converſation together, the Magiſtrate ſhall fine each of them Two Hundred and Fifty *Puns* of *Cowries.*

If

If a Man, making himfelf a Mediator, carries Meffages between a Man and Woman, and contrives a Meeting for them in a retired Place, the Magiftrate fhall take from him Half the Fine of an Adulterer.

If a Man furnifhes any Perfon with a Place for the Commiffion of Adultery, the Magiftrate fhall take from him Half the Fine of an Adulterer.

If a Perfon, without a criminal Intention, puts on Jewels, and a handfome Drefs, and frequents an unmarried Girl, or a Woman who has been married, the Magiftrate fhall cenfure him; if he hath frequented her, with a criminal Intention, the Magiftrate fhall fine him according to his Abilities.

## S E C T. III.

### *Of the Fines for Adultery.*

If a Man, by Force, commits Adultery with a Woman of an equal or inferior Caft, againft her Confent, the Magiftrate fhall confifcate all his Poffeffions, cut off his *Penis*, and caftrate him, and caufe him to be led round the City, mounted upon an Afs.

If a Man, by Cunning and Deceit, commits Adultery with a Woman of an equal or inferior Caft, againft her Confent, the Magiftrate fhall take all his Poffeffions, brand him in the Forehead with the Mark of the *Pudendum Muliebre*, and banifh him the Kingdom.

If a Man, by Violence, or by Cunning, or Deceit, or againft the Woman's Confent, commits Adultery with a Woman of a fuperior Caft, the Magiftrate fhall deprive him of Life.

If a *Sooder* commits Adultery with a Woman of the *Bramin*, or *Chehteree*, or *Bice* Caſt, who has no Maſter, the Magiſtrate, confiſcating all his Poſſeſſions, ſhall cut off his *Penis* and his Teſticles.

If a *Sooder* commits Adultery with a Woman of the *Bramin* Caſt, who has a Maſter, by her Conſent, the Magiſtrate ſhall confiſcate all his Effects, cut off his *Penis* and Teſticles, bind him upon a hot Iron Plate, and burn him with the Graſs *Beenà*.

If a *Sooder* commits Adultery with a Woman of the *Chehteree* or *Bice* Caſt, who has a Maſter, by her Conſent, the Magiſtrate ſhall confiſcate all his Effects, cut off his *Penis* and Teſticles, bind his Body with the Graſs *Beenà*, and burn him.

If a *Sooder* commits Adultery with a Woman of the *Sooder* Caſt, who has a Maſter, by her Conſent, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if the Woman has no Maſter, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*.

If a *Bice* commits Adultery with a Woman of the *Bramin* Caſt, who has no Maſter, by her Conſent, the Magiſtrate ſhall confine him One Year in Priſon, and fine him One Thouſand *Puns* of *Cowries*; if the Woman has a Maſter, the Magiſtrate ſhall bind him upon a hot Iron Plate, wind the Graſs *Beenà* round his Body, and burn him, or burn him with the Graſs *Koſe*.

If a *Bice* commits Adultery with a Woman of the *Chehteree* Caſt, who has no Maſter, by her Conſent, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if the Woman has a Maſter, the Magiſtrate ſhall deprive him of Life.

If

If a *Chehteree* commits Adultery with a Woman of the *Bramin* Caſt, who has no Maſter, by her Conſent, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if the Woman has a Maſter, the Magiſtrate ſhall bind him upon a hot Iron Plate, wind the Graſs *Beenà* round his Body, and burn him; or burn him only with the Graſs *Ser*.

If a *Chehteree* commits Adultery with a Woman of the *Chehteree* Caſt, who has a Maſter, by her Conſent, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if the Woman has no Maſter, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*, or ſhave off the Hair of his Head with the Urine of an Aſs.

If a *Chehteree* commits Adultery with a Woman of the *Bice* or *Sooder* Caſt, who has a Maſter, by her Conſent, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if the Woman has no Maſter, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*.

If a *Bramin* commits Adultery with a Woman of the *Bramin*, the *Chehteree*, *Bice*, or *Sooder* Caſt, who has a Maſter, by her Conſent, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*; if the Woman has no Maſter, he ſhall fine the *Bramin* Five Hundred *Puns* of *Cowries*.

If a Man commits Adultery with any of his Father's Wives, excluſive of his own Mother, or with his Mother's Siſter, or with the Wife of his Maternal Uncle *(i. e.)* his Mother's Brother, or with his Father's Siſter, or with his Paternal Uncle's Wife, or with his Friend's Wife, or with his Pupil's Wife, or with his Siſter, or with his Son's Wife, or with his Daughter, or with the Wife of the Perſon who teaches him the *Goiteree*, or with the Wife of any Perſon deſcended from the ſame Grandfather with himſelf, who has thrown her-

ſelf

ſelf under his Protection, or with the Magiſtrate's Wife, or with a Woman of good Principles, or with any Woman who is employed in the Worſhip of God, or with a Woman of a ſuperior Caſt, or with the Wife of any Perſon deſcended from the ſame Grandfather with himſelf, who was his Nurſe, the Magiſtrate ſhall cut off that Perſon's *Penis*, and deprive him of Life; and if the Woman herſelf gave her Conſent, the Magiſtrate ſhall cut off her *Pudendum*, and deprive her of Life.

In Caſes of Adultery, when Men of other Caſts are to be deprived of Life, a *Bramin* guilty thereof ſhall not be deprived of Life, but the Hair of his Head ſhall be cut off; if he frequently commits the ſame Crime, the Hair of his Head ſhall be cut off, and he ſhall be baniſhed from the Kingdom.

If a Man of the *Chehteree* or *Bice* Caſt commits Adultery with a Woman of the *Chendàl* Caſt, or Waſher's Caſt, or any ſuch mean Tribe, the Magiſtrate ſhall brand him in the Forehead with the Figure of a Man without a Head, and baniſh him the Kingdom.

If a *Bramin* commits Adultery with a Woman of the *Chendàl* Caſt, or Waſher's Caſt, or any ſuch mean Tribe, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*, brand him in the Forehead with the Figure of a Man without a Head, and baniſh him from his Country.

If a *Sooder* commits Adultery with a Woman of the *Chendàl* Caſt, or Waſher's Caſt, or any ſuch mean Tribe, the Magiſtrate ſhall ſtamp on his Forehead the Figure of a Man without a Head, and deprive him of Life.

If the Wife of a *Bramin*, by her own Conſent, commits Adultery with a *Chehteree* or *Bice*, the Magiſtrate ſhall cut off the Hair of her Head, anoint her

her Body with *Ghee*, and cauſe her to be led through the whole City naked, and riding upon an Aſs, and caſt her out on the North Side of the City.

If the Wife of a *Bramin*, by her own Conſent, commits Adultery with a *Sooder*, the Magiſtrate ſhall cut off the Hair of her Head, anoint her Body with *Ghee*, and cauſe her to be led through the whole City naked, and riding upon an Aſs, and caſt her out on the North Side of the City, or cauſe her to be eaten by Dogs.

If a Man of inferior Caſt commits Adultery with a Woman of ſuperior Caſt, the Magiſtrate ſhall burn the Woman with Faggots.

If a Man commits Adultery with a Woman of inferior Caſt, either by Force or with her Conſent, the Woman, in that Caſe, ſhall not be liable to Puniſhment, but ſhe ſhall perform the *Peràſhchut* (Expiation.)

If a Man, by Force, commits Adultery with a Woman of an equal Caſt, who has a Maſter, the Huſband of that Woman ſhall hold her infamous, and ſhall not have any Connexion with her, until ſhe ſhall have performed the *Peràſhchut*, but ſhall give her ſuch Victuals as may be neceſſary to ſupport Life; but if the Man committed Adultery with the Woman, by her Conſent, even in that Caſe, the Woman ſhall not be liable to Puniſhment, but ſhall perform the *Peràſhchut*.

If a Woman goes of her own accord to a Man, and inveigles him to have criminal Commerce with her, the Magiſtrate ſhall cut off that Woman's Ears, Lips, and Noſe, mount her upon an Aſs, and drown her, or cauſe her to be eaten by Dogs.

If a Woman, who has a Maſter, is guilty of any Crime, the Magiſtrate ſhall inflict ſome Puniſhment upon herſelf, excluſive of taking a pecuniary Fine: Upon any Crime, where a Fine is to be levied, the Magiſtrate ſhall levy it from the Maſter of the Woman; if the Maſter of the Woman be abſent on a Journey, ſhe ſhall be confined in Priſon until his Return; and upon the Maſter's Arrival, the Fine ſhall be exacted from him.

If a Woman, of her own accord, goes to a Man for a criminal Purpoſe, and the Man commits Adultery with her, the Magiſtrate ſhall fine that Man Half the Mulct ſettled for an Adulterer.

If the Wife of a Man born a Eunuch, or of a Man altogether impotent, or a Woman deſerted by her Huſband, ſhould go to any Man for a criminal Purpoſe, and that Man commits Adultery with ſuch Woman, he is not liable to Puniſhment.

## S E C T. IV.

### *Of Adultery with an Unmarried Girl.*

If a Man, by Violence, commits Adultery with an unmarried Girl of an equal Caſt with himſelf, the Magiſtrate ſhall deprive him of Life; if it was with her Conſent, he may marry her.

If a Man, either by Violence or with her Conſent, commits Adultery with an unmarried Girl of a ſuperior Caſt, the Magiſtrate ſhall put him to Death.

If

If a Man commits Adultery with an unmarried Girl of inferior Caſt, by her Conſent, he ſhall not be deemed guilty; if it was done by Violence, the Magiſtrate ſhall take a ſmall Fine from him.

If a Man commits Adultery with an unmarried Girl of an equal Caſt with himſelf, having her own Conſent, and that of her Father and Mother, then that Man ſhall give to the Father of the Girl ſome Money, and to the Girl herſelf thoſe Preſents which conſtitute a Woman's Property, and ſhall marry her.

## SECT. V.

### *Of Thruſting a Finger into the Pudendum of an Unmarried Girl.*

If a Man, by Force, thruſts his Finger into the *Pudendum* of an unmarried Girl of an equal Caſt with himſelf, the Magiſtrate ſhall cut off Two of his Fingers, and fine him Six Hundred *Puns* of *Cowries*.

*** According to the Ordinations of *Chendeeſur* and *Pàrreejaut:* Approved (or cuſtomary.)——*Hurree Hur* ſpeaks to this Effect, That, the Meaſure of Two Fingers ſhall be cut off from his *Penis*, and a Fine of Six Hundred *Puns* of *Cowries* be taken from him.

If a Man thruſts his Finger into the *Pudendum* of an unmarried Girl of an inferior Caſt, by her own Conſent, he ſhall not be liable to Puniſhment; if it was done by Violence, the Magiſtrate ſhall take a ſmall Fine from him.

If a Man thrufts his Finger into the *Pudendum* of an unmarried Girl of an equal Caft with himfelf, by her Confent, the Magiftrate fhall fine him Two Hundred *Puns* of *Cowries*.

If a Man, either by Violence or by Permiffion, thrufts his Finger into the *Pudendum* of an unmarried Girl of a fuperior Caft, the Magiftrate fhall confifcate all his Poffeffions, and put him to Death.

If one unmarried Girl, by thrufting her Finger into the *Pudendum* of another unmarried Girl, fhould make a Paffage, the Magiftrate fhall fine her Two Hundred *Puns* of *Cowries*, and give her Ten Lafhes with a Whip.

If a married Woman, by thrufting her Finger into the *Pudendum* of an unmarried Girl, fhould make a Paffage, the Magiftrate fhall cut off the Hair of that Woman's Head; and if fhe thus thruft her Finger a Second Time, he fhall cut off Two of her Fingers, and caufe her to be expofed through the whole City, mounted on an Afs.

## S E C T. VI.

### *Of Stealing away an Unmarried Girl.*

When a Girl is related to any Man, if that Man, being of an equal Caft with her, either by Violence or with her Confent, fteals her away to commit Adultery with her, the Magiftrate fhall fine him One Thoufand *Puns* of *Cowries*; if the Girl was not related to him, the Magiftrate fhall fine him Two Hundred and Fifty *Puns* of *Cowries*.

If a Man ſteals away a Girl of a ſuperior Caſt to commit Adultery with her, the Magiſtrate ſhall put him to Death.

If a Man ſteals away a Girl of an inferior Caſt, by her own Conſent, to commit Adultery with her, he ſhall not be liable to Puniſhment; if it was done by Violence, the Magiſtrate ſhall take a ſmall Fine from him.

## S E C T. VII.

### *Of Committing Adultery with a Woman of bad Character, or with a common Proſtitute.*

If a Man commits Adultery with a Woman of equal Caſt with himſelf, who has before been unchaſte, the Magiſtrate ſhall fine him Five Coins of Gold.

If a Man commits Adultery with a Woman of bad Character of an inferior Caſt, the Magiſtrate ſhall fine him Twelve *Puns* of *Cowries.*

If a Woman of bad Character (except the Wife of a *Bramin)* who has no Maſter, of her own accord goes to a Man for a criminal Purpoſe, that Man, after having given Information to the Magiſtrate, may have carnal Knowledge of her; in ſuch Adultery, he is not liable to Puniſhment.

If a Man commits Adultery with a Slave Girl, or with any Woman whoſe Maſter hath ejected her, by her own Conſent, then, upon informing the Magiſtrate, he may commit Adultery with her; and if any Perſon furniſhes a Woman of this Stamp with Food and Cloaths, and takes her for Concubi-

nage, and any other Perſon commits Adultery with that Woman, the Magiſtrate ſhall fine him Fifty *Puns* of *Cowries.*

If a Man, by Violence, commits Adultery with his own Slave Girl, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries.*

If, without her own Conſent, ſeveral Perſons commit Adultery with a Slave Girl, the Magiſtrate ſhall fine each Individual of them Twenty-four *Puns* of *Cowries.*

If a *Bramin* commits Adultery with a common Proſtitute, the Magiſtrate ſhall fine the *Bramin* Fifty *Puns* of *Cowries*; if a *Chehteree* or *Bice* commit the ſame Crime, then whatever Gratuity was given to the Proſtitute, the ſame Sum ſhall be taken as a Fine; if it be a *Sooder*, he ſhall pay a Fine of Ten *Puns* of *Cowries.*

If any Perſon commits Adultery with a Woman who has been enjoyed by a great Number of Perſons, the Magiſtrate ſhall fine him the ſame as for committing Adultery with a Proſtitute.

## S E C T. VIII.

### *Of the carnal Conjunction of a Man with any Beaſt.*

If a *Bramin* ſhould copulate with a Cow, the Magiſtrate ſhall fine him Eighty Gold Coins; if he be a *Chehteree*, or a *Bice*, he ſhall fine him Five Hundred *Puns* of *Cowries*; if it be a *Sooder*, he ſhall put him to Death.

If

If a Man copulates with the Female of any Species of Animal (exclufive of Cows) the Magiftrate fhall fine him Five Hundred *Puns* of *Cowries: According to the Ordinations of Pàchefhputtee Mifr:* Approved (or cuftomary.) *Chendeefur* fays, the Fine fhall be One Hundred and Ten *Puns* of *Cowries*.

In fuch Cafes as have no Fines fpecified for them in the Chapter of Adultery, the Magiftrate fhall confider the Caft of the Criminal, and the Degree of the Crime, and proportion the Fine accordingly.

When a Kingdom is preferved free from Thieves, from Adulterers, from Murderers, and from all Men of fuch evil Principles, the Magiftrate of the Kingdom goes to Paradife; and if the Magiftrate always brings fuch Perfons to Punifhment, he then alfo goes to Paradife, and his Kingdom is doubled, and his Reputation is increafed.

CHAP.

## CHAP. XX.

### *Of what concerns Women.*

A Man, both Day and Night, muſt keep his Wife ſo much in Subjection, that ſhe by no Means be Miſtreſs of her own Actions: If the Wife have her own Free-Will, notwithſtanding ſhe be ſprung from a ſuperior Caſt, ſhe will yet behave amiſs.

So long as a Woman remains unmarried, her Father ſhall take care of her; and ſo long as a Wife remains young, her Huſband ſhall take care of her; and in her old Age, her Son ſhall take care of her; and if, before a Woman's Marriage, her Father ſhould die, the Brother, or Brother's Son, or ſuch other near Relations of the Father ſhall take care of her; if, after Marriage, her Huſband ſhould die, and the Wife has not brought forth a Son, the Brothers, and Brothers Sons, and ſuch other near Relations of her Huſband ſhall take care of her: If there are no Brothers, Brothers Sons, or ſuch other near Relations of her Huſband, the Brothers, or Sons of the Brothers of her Father ſhall take care of her: If there are none of thoſe, the Magiſtrate ſhall take care of her; and in every Stage of Life, if the Perſons who have been allotted to take care of a Woman do not take care of her, each in his reſpective Stage accordingly, the Magiſtrate ſhall fine them.

If a Huſband be abject and weak, he ſhall nevertheleſs endeavour to guard his Wife with Caution, that ſhe may not be unchaſte, and learn bad Habits.

If a Man, by Confinement and Threats, cannot guard his Wife, he ſhall give her a large Sum of Money, and make her Miſtreſs of her Income and Expences, and appoint her to dreſs Victuals for the *Dewtah (i. e.)* the Deity.

A Woman is never ſatisfied with the Copulation of Man, no more than Fire is ſatisfied with burning Fuel, or the main Ocean with receiving the Rivers, or the Empire of Death with the dying of Men and Animals; in this Caſe therefore, a Woman is not to be relied on.

Women have Six Qualities; the Firſt, an inordinate Deſire for Jewels and fine Furniture, handſome Cloaths, and nice Victuals; the Second, immoderate Luſt; the Third, violent Anger; the Fourth, deep Reſentment *(i. e.)* no Perſon knows the Sentiments concealed in their Heart; the Fifth, another Perſon's Good appears Evil in their Eyes; the Sixth, they commit bad Actions.

If a Woman is pregnant, they muſt give her the *Sàdheb* (the *Sàdheb* is, to give a pregnant Woman, in the Ninth Month, Rice, Milk, and Sweetmeats, and other Eatables of the ſame Kind for her to eat, and to dreſs her in handſome Cloaths.

If a Huſband is going a Journey, he muſt give his Wife enough to furniſh her with Victuals and Cloaths, until the promiſed Period of his Return; if he goes without leaving ſuch Proviſion, and his Wife is reduced to great Neceſſity for want of Victuals and Cloaths, then, if the Wife be naturally well principled, ſhe yet becomes unchaſte, for want of Victuals and Cloaths.

In every Family where there is a good Underſtanding between the Huſband and Wife, and where the Wife is not unchaſte, and the Huſband alſo commits no bad Practices, it is an excellent Example.

The Creator formed Woman for this Purpofe, *viz.* That Man might copulate with her, and that Children might be born from thence.

A Woman, who always acts according to her Hufband's Pleafure, and fpeaks no Ill of any Perfon, and who can herfelf do all fuch Things as are proper for a Woman, and who is of good Principles, and who produces a Son, and who rifes from Sleep before her Hufband, fuch a Woman is found only by much and many religious Works, and by a peculiarly happy Deftiny, fuch a Woman, if any Man forfakes of his own accord, the Magiftrate fhall inflict upon that Man the Punifhment of a Thief.

A Woman, who always abufes her Hufband, fhall be treated with good Advice, for the Space of One Year; if fhe does not amend with One Year's Advice, and does not leave off abufing her Hufband, he fhall no longer hold any Communication with her, nor keep her any longer near him, but fhall provide her with Food and Cloaths.

A Woman, who diffipates or fpoils her own Property, or who procures Abortion, or who has an Intention to murder her Hufband, and is always quarrelling with every Body, and who eats before her Hufband eats, fuch Woman fhall be turned out of the Houfe.

A Husband, at his own Pleafure, fhall ceafe to copulate with his Wife who is barren, or who always brings forth Daughters.

If a Woman, after her monthly Courfes, while her Hufband continues in the Houfe, conceiving her Hufband to be a weak, low, and contemptible Object, goes no more to him, the Hufband, informing People of this, fhall turn her out of his Houfe.

If

If a Woman, following her own Inclination, goes whitherſoever ſhe chooſes, and does not regard the Words of her Maſter, ſuch a Woman alſo ſhall be turned away.

A Woman, who is of a good Diſpoſition, and who puts on her Jewels and Cloaths with Decorum, and is of good Principles, whenever the Huſband is cheerful, the Wife alſo is cheerful, and if the Huſband is ſorrowful, the Wife alſo is ſorrowful, and whenever the Huſband undertakes a Journey, the Wife puts on a careleſs Dreſs, and lays aſide her Jewels and other Ornaments, and abuſes no Perſon, and will not expend a ſingle *Dàm* without her Huſband's Conſent, and has a Son, and takes proper Care of the Houſhold Goods, and, at the Times of Worſhip, performs her Worſhip to the Deity in a proper Manner, and goes not out of the Houſe, and is not unchaſte, and makes no Quarrels or Diſturbances, and has no greedy Paſſions, and is always employed in ſome good Work, and pays a proper Reſpect to all Perſons, ſuch is a good Woman.

A Woman ſhall never go out of the Houſe without the Conſent of her Huſband, and ſhall always have ſome Cloaths upon her Boſom, and at Feſtival Times ſhall put on her choiceſt Dreſs and her Jewels, and ſhall never hold Diſcourſe with a ſtrange Man; but may converſe with a *Sinaſſee*, a Hermit, or an old Man; and ſhall always dreſs in Cloaths that reach from below the Leg to above the Navel; and ſhall not ſuffer her Breaſts to appear out of her Cloaths; and ſhall not laugh, without drawing her Veil before her Face; and ſhall act according to the Orders of her Huſband; and ſhall pay a proper Reſpect to the Deity, her Huſband's Father, the Spiritual Guide, and the Gueſts; and ſhall not eat until ſhe has ſerved them with Victuals (if it is Phyſick, ſhe may take it before they eat) a Woman alſo ſhall never go to a Stranger's Houſe, and ſhall not ſtand at the Door, and muſt never look out of a Window.

Six

Six Things are difgraceful to a Woman: 1ft. To drink Wine and eat Conferves, or any fuch inebriating Things. 2d. To keep company with a Man of bad Principles. 3d. To remain feparate from her Hufband. 4th. To go to a Stranger's Houfe without good Caufe. 5th. To fleep in the Day-Time. 6th. To remain in a Stranger's Houfe.

When a Woman, whofe Hufband is abfent on a Journey, has expended all the Money that he gave her, to fupport her in Victuals and Cloaths during his Abfence, or if her Hufband went on a Journey without leaving any Thing with her to fupport her Expences, fhe fhall fupport herfelf by Painting, by Spinning, or fome other fuch Employment.

If a Man goes on a Journey, his Wife fhall not divert herfelf by Play, nor fhall fee any publick Show, nor fhall laugh, nor fhall drefs herfelf in Jewels and fine Cloaths, nor fhall fee Dancing, nor hear Mufick, nor fhall fit in the Window, nor fhall ride out, nor fhall behold any Thing choice and rare; but fhall faften well the Houfe-Door, and remain private; and fhall not eat any dainty Victuals, and fhall not blacken her Eyes with Eye-Powder, and fhall not view her Face in a Mirror; fhe fhall never exercife herfelf in any fuch agreeable Employment, during the Abfence of her Hufband.

It is proper for a Woman, after her Hufband's Death, to burn herfelf in the Fire with his Corpfe; every Woman, who thus burns herfelf, fhall remain in Paradife with her Hufband Three *Crore* and Fifty *Lacks* of Years, by Deftiny; if fhe cannot burn, fhe muft, in that Cafe, preferve an inviolable Chaftity; if fhe remains always chafte, fhe goes to Paradife; and if fhe does not preferve her Chaftity, fhe goes to Hell.

CHAP.

# CHAP. XXI.

## *Of Sundry Articles.*



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## SECT. I.

### *Of Gaming.*

GAMING is of Two Sorts; the Firſt *Choperbàzee*, a Game played with Three long Dice, Cheſs or Tables, and Dice, and ſuch other Kind of Games, which are called *Dote*; the Second is, when Perſons cauſe Elephants to fight with Elephants, Bulls with Bulls, Cocks with Cocks, Nightingales with Nightin-

gales, or any other Animals in the ſame Manner; the Name of this is *Shemàbhee*: Theſe Two Sorts of Gaming, with a conditional Wager of Stipulation, are not allowed to any Perſons, even in Jeſt.

If any Man, either openly or in ſecret, plays with another at either of theſe Two Sorts of Gaming above ſpecified, upon a ſtipulated Wager, the Magiſtrate ſhall fine that Man in any Sum that he chooſes, and ſhall chaſtiſe him.

If any Man has a Propenſity to either of theſe Two Sorts of Gaming, in that Caſe, he ſhall play before the Magiſtrate, or ſhall cauſe a Man belonging to the Magiſtrate to ſit there while he plays; in theſe Two Caſes, whoever is the Loſer ſhall pay the Money which was the Condition of the Game.

If any Man, without Leave of the Magiſtrate, ſhould play for a ſtipulated Wager, in that Caſe, the Conqueror in the Game ſhall not receive the Money played for, but the Magiſtrate ſhall fine both Parties.

When a Game is to be played for a Wager, it ſhall be played in Preſence of a Number of People.

When a Man, having gamed with another for a Wager, receives the Money played for, he ſhall give that Money to the Magiſtrate's Officer; the Magiſtrate's Officer ſhall divide that Money, and give Half thereof to that Perſon, and Half to the Magiſtrate.

If a Man to procure himſelf to be Winner in a Game, either by numbering the Squares of the Cheſs-Table, or by numbering the *Cowries* of the Game, or by any other Method, is guilty of Artifice and colluſive Practice, the Magiſtrate ſhall fine him according to his Abilities.

Whoever

Whoever plays without any ſtipulated Condition or Wager ſhall not receive any Money upon the Game.

If a Man plays at theſe Two Sorts of Games with Deceit and Fraud, the Magiſtrate ſhall cut off Two of his Fingers.

If a Man, having played at any Game for a Stake, and, upon winning, having received the Money, doth not give to the Magiſtrate the Share that is appointed him, then the Magiſtrate ſhall fine him.

## S E C T. II.

### *Of Finding any Thing that was loſt (which is called Needee.)*

If a Man, having loſt any Thing for a long Space of Time, ſo that he hath no Hopes of finding it, ſhould then recover it, he ſhall inform the Magiſtrate thereof; whereupon, if that Man be an ignorant and unſcientifick Perſon, the Magiſtrate ſhall take to himſelf One Sixth Share of the Whole, and give the Five Sixths to the ſaid Perſon; if he is a Man of Science, the Magiſtrate ſhall keep to himſelf One Half, and return him the reſt.

If a *Bramin*, having for a long Space of Time loſt any Thing, ſo that he hath no Hopes of finding it, ſhould afterwards recover it, he ſhall inform the Magiſtrate thereof, but the Magiſtrate ſhall not take any Thing from him.

If a learned *Bramin*, who regulates all his Actions conformably to the *Beids*, ſhould find any Thing, the Property of a Stranger, which has been loſt, and of which the Proprietor is not known, he ſhall inform the Magiſtrate; the Magiſtrate

Magiſtrate ſhall not deduct any Thing from that Article, but it ſhall go entire to the *Bramin*.

If an unlearned *Bramin* ſhould find any Thing, the Property of a Stranger, which has been loſt, and of which the Proprietor is not known, he ſhall inform the Magiſtrate, who ſhall take to himſelf One Sixth Share of the Whole, and give the remaining Five Sixths to the *Bramin*.

If a *Chehteree* ſhould find any Thing, the Property of another, which has been loſt, and of which the Proprietor is not known, he ſhall divide it into Four Shares; One Fourth he ſhall give to the Magiſtrate, One Fourth to the *Bramins*, and keep the remaining Two Fourths to himſelf.

If a *Bice* ſhould find any Thing, the Property of another, that has been loſt, and of which the Proprietor is not known, he then ſhall give One Half thereof to the *Bramins*, and out of the Remainder he ſhall give One Moiety to the Magiſtrate, and keep the other Moiety to himſelf.

If a *Sooder* ſhould find any Thing, the Property of another, which hath been loſt, and of which the Proprietor is not known, then, having divided it into Twelve Parts, he ſhall give Five Twelfths thereof to the Magiſtrate, and Five Twelfths to the *Bramins*, and keep the remaining Two Twelfths to himſelf.

If a Man, having found any Thing that was loſt, either a Stranger's Property or his own, ſhould neglect to inform the Magiſtrate, he ſhall receive the ſame Puniſhment as a Thief.

If the Magiſtrate finds any Thing that was loſt, the Proprietor of which is not known, in that Caſe, he ſhall give One Half thereof to the *Bramins*, and ſhall take One Half to himſelf.

SECT.

## S E C T. III.

### *Of the Fines for cutting Trees.*

If any Perſon cuts the Branches of a Male *Banyan* Tree, or of a *Mango* Tree, or of a *Moolſerry* Tree, or of a *Tamarind* Tree, or of a Female *Banyan* Tree, or of any ſuch large Tree, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries*; if he cuts the Middle of the Tree, he ſhall be fined Forty *Puns* of *Cowries*; and if he cuts it down from the Roots, he ſhall be fined Eighty *Puns* of *Cowries.*

If a Man cuts any Trees that are in a Yard of a Houſe, or in a Place where the Dead are caſt, or on the Boundaries of Land, or in a *Haut*, or in a *Bàzàr*, or in the Place appropriated to *Dewtah (i.e.)* the Deity, the Magiſtrate ſhall fine him Double the Price of the Trees.

If a Man cuts a *Plàſs* Tree, the Magiſtrate ſhall fine him Double the Price of the Tree.

If a Man cuts any of the Creeping Tree called *Lut*, be it a large or a ſmall Tree, or ſuch Kind of the *Lut* as upon being cut produces a great Number of Branches, or any Tree whoſe Branches are extremely crooked, or any ſmall Tree, or any Tree which dies after its Fruit is once ripened, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries*; if he cuts down any Graſs, the Magiſtrate ſhall fine him One *Pun* of *Cowries.*

If a Man cuts a Tree that is capable of bearing Fruit, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man cuts a Tree that is capable of producing Flowers, the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries*.

Of all theſe Species of Trees above enumerated, if a Man cuts any One, the Magiſtrate ſhall cauſe him to return to the Owner, a Tree of the ſame Species with that which was cut; if he has no ſuch Kind of Tree, he ſhall cauſe the Price thereof to be paid, and take a Fine, according to the Rate already above ſpecified; nevertheleſs, a Man may cut Trees for the Purpoſe of performing the *Jugg*, or for making a Plough, or for his Houſhold Buſineſs; in ſuch Caſes, there is no Fine.

## SECT. IV.

### *Of the Tax upon Buying and Selling Goods.*

If a Man purchaſes Goods in his own Kingdom, and ſells them again in his own Kingdom, then, whatever Profit he hath made upon ſuch Purchaſe and Sale, he ſhall give One Tenth of that Profit to the Magiſtrate; and if he made the Purchaſe in a foreign Kingdom, and the Sale in his own, he ſhall pay One Twentieth Share of the Profit to the Magiſtrate.

If a Man, having purchaſed Flowers or Roots, ſuch as Ginger or Radiſhes, or ſuch Kind of Things, or Honey, or Graſs, or Fire Wood, from another Kingdom, ſells them in his own, the Magiſtrate ſhall take to himſelf One Sixth of the Profit ariſing upon them, and give to that Perſon the other Five Sixths.

If a Man ſells any Thing of a leſs Value than One *Cahawun* (or Sixteen *Puns* of *Cowries)* the Magiſtrate ſhall not take any Tax thereon.

If a Man, having purchaſed in another Kingdom any *Paddee*, or Wheat, or Plantains, or ſuch other Fruit whoſe Tree dies after once bearing, brings and ſells them in his own, he ſhall give to the Magiſtrate One Sixth of the Profit thereon, and keep Five Sixths to himſelf.

Whatever Profit a Painter, a Smith, or ſuch Kind of Workman may have made, by labouring at his own Buſineſs, the Magiſtrate ſhall charge no Tax thereon; nor ſhall any Tax be taken upon the Profit which any Perſon hath made, as a *Coſſid* (or Meſſenger) neither is there any Tax upon ſelling young Heifers.

If a Part of a Man's Property hath been ſtolen from him, no Tax ſhall be levied by the Magiſtrate upon the Sale of what remains unſtolen.

If a *Serwutteree (i. e.)* a *Bramin* learned in the *Beids*, ſells any Thing, the Magiſtrate ſhall take no Tax from him.

If a Man hath purchaſed any Thing for the Worſhip of *Dewtah (i. e.)* the Deity, the Magiſtrate ſhall take no Tax thereon.

SECT.

## SECT. V.

### *Of the Quarrels between a Father and Son.*

If a Quarrel ſhould ariſe between a Father who is a Man of Capacity and his Son, whoever is Witneſs in ſuch a Caſe, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries.*

If a Quarrel ſhould ſubſiſt between a Father who is a Man of Capacity and his Son, and any Perſon contrives by any Means to lengthen out the Quarrel, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Quarrel ſhould ariſe between a Father who is of ſmall Capacity and his Son, whoever is Witneſs in ſuch a Caſe, the Magiſtrate ſhall fine him Three *Puns* of *Cowries.*

If a Quarrel ſhould ſubſiſt between a Father who is a Man of no Capacity and his Son, and any Perſon contrives by any Means to lengthen out the Quarrel, the Magiſtrate ſhall fine him Eight Hundred *Puns* of *Cowries.*

Whoever is Security upon a Quarrel between a Father and Son, the Magiſtrate ſhall fine him Twenty-four *Puns* of *Cowries.*

If a Son commits a Fault, the Father ſhall not be held as guilty for the Fault of the Son.

## SECT. VI.

### *Of Serving unclean Victuals.*

If a Man causes a superior *Bramin* to eat Dung or Urine, the Magistrate shall fine him Sixteen *Ashrufies*; if it be not a superior *Bramin*, he shall fine him One Thousand *Puns* of *Cowries*; and if he causes him to eat Onions or Garlick, the Magistrate shall fine him One Hundred *Ashrufies*; if he causes him to drink Wine, he shall put him to Death.

If a Man causes a superior *Chehteree* to eat Dung or Urine, the Magistrate shall fine him Eight *Ashrufies*; if it be not a superior *Chehteree*, he shall fine him Five Hundred *Puns* of *Cowries*; and if he causes him to eat Onions or Garlick, or to drink Wine, he shall fine him Fifty *Ashrufies*.

If a Man causes a superior *Bice* to eat Dung or Urine, the Magistrate shall fine him Four *Ashrufies*; if it be not a superior *Bice*, he shall fine him Two Hundred and Fifty *Puns* of *Cowries*; and if he causes him to eat Onions or Garlick, or to drink Wine, he shall fine him Twenty-five *Ashrufies*.

If a Man causes a superior Man of the *Sooder* Cast to eat Dung or Urine, the Magistrate shall fine him Two Hundred and Fifty *Puns* of *Cowries*; if it be not a superior Person, he shall fine him One Hundred and Twenty *Puns* of *Cowries*.

If a Man causes a Person of the *Arzàl* or lower Cast to eat Dung or Urine, the Magistrate shall fine him Fifty-four *Puns* of *Cowries*.

If a *Bramin* voluntarily eats Onions or Garlick, the Magistrate shall banish such *Bramin* from the Kingdom.

## SECT. VII.

### *Of the Punishment to be inflicted on a Sooder for reading the Beids.*

If a Man of the *Sooder* reads the *Beids* of the *Shaster*, or the *Pooràn*, to a *Bramin*, a *Chehteree*, or a *Bice*, then the Magistrate shall heat some bitter Oil, and pour it into the aforesaid *Sooder*'s Mouth; and if a *Sooder* listens to the *Beids* of the *Shaster*, then the Oil, heated as before, shall be poured into his Ears, and *Arzeez* and Wax shall be melted together, and the Orifice of his Ears shall be stopped up therewith.—This Ordination serves also for the *Arzàl* Tribe.

If a *Sooder* gets by heart the *Beids* of the *Shaster*, the Magistrate shall put him to Death.

If a *Sooder* assumes the *Braminical* Thread, the Magistrate shall fine him Eight Hundred *Puns* of *Cowries*.

If a *Sooder* always performs Worship and the *Jugg*, the Magistrate shall put him to Death, or fine him Two Hundred *Ashrufies*.

If a *Sooder* gives much and frequent Molestation to a *Bramin*, the Magistrate shall put him to Death.

If a *Sooder* assumes the Customs and Appearances of a *Chehteree*, and passes his Time as such, the Magistrate shall confiscate all his Effects, and banish him the Kingdom; and if, assuming the consecrated Thread of a *Bramin*, he passes his Time as such, he shall fine him Eight Hundred *Puns* of *Cowries*.

SECT.

## S E C T. VIII.

### *Of the Properties of Punifhment, and of Punifhing.*

Punishment * is the Magiftrate ; Punifhment is the Infpirer of Terrour ; Punifhment is the Nourifher of the Subjects ; Punifhment is the Defender from Calamity ; Punifhment is the Guardian of thofe that fleep ; Punifhment, with a black Afpect and a red Eye, terrifies the Guilty : If the Magiftrate inflicts Punifhment according to the *Shafter*, then Punifhment produces fuch Confequences as have been already fpecified in the Kingdom of that Magiftrate.

He who is of a good Character, and a Man of Veracity, and who forms his Actions according to the Ordinations of the *Shafter*, and who retains learned *Pundits* about him, and he himfelf alfo is a Man of Science, and not avaricious, fuch Perfon is worthy to be a Magiftrate, and to have the Power of inflicting Punifhment.

He who is not affifted by learned *Pundits*, and who is avaricious, and who is not a Man of Science, and who pays no Regard to the *Shafter*, and who doth not practife what he hath read, and who doth not fpeak the Truth, and is not of a good Character, fuch Perfon is not worthy to be a Magiftrate, and to have the Power of inflicting Punifhment.

If a Magiftrate doth not inflict Punifhment according to the *Shafter*, his Subjects, and his Kingdom, and his Poffeffions, and the Children of his Relations, become miferable and contemptible.

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* Here the Image of Punifhment is introduced, or rather Punifhment is perfonified.

If

If a Magiſtrate inflicts Puniſhment upon the Guilty, and honourably treats the Innocent, ſuch a Man has all the Requiſites for Magiſtracy, and is always ſucceſsful, and enjoys a good Character, and in the next World goes to Paradiſe.

## SECT. IX.

### *Of Adoption.*

He who is deſirous to adopt a Child muſt inform the Magiſtrate thereof, and ſhall perform the *Jugg*, and ſhall give Gold and Rice to the Father of the Child whom he would adopt; then, ſuppoſing the Child not to have had his Ears bored, or to have received the *Braminical* Thread, or to have been married in his Father's Houſe, and not to be Five Years old, if the Father will give up ſuch a Child, or if the Mother gives him up by Order of the Father, and there are other Brothers of that Child, ſuch a Child ſhall be adopted.

A Woman may not adopt a Child without her Huſband's Order; if ſhe has her Huſband's Conſent, ſhe may cauſe the *Bramins* to perform a *Jugg* for her, and may adopt the Child:—According to the Ordinations of *Sewàrteh Behtàchàrige:* Approved (or cuſtomary.)—*Pàcheſhputtee Miſr* ſpeaks to this Effect, that, even with the Huſband's Conſent, a Woman may not adopt a Child.

A *Sooder* may adopt a Child, upon procuring a *Jugg* to be performed for him by the *Bramins*.

He

He who has no Son, or Grandſon, or Grandſon's Son, or Brother's Son, ſhall adopt a Son; and while he has One adopted Son, he ſhall not adopt a Second.

## S E C T. X.

### *Of Sundries.*

If a Man, keeping any of ſuch Species of Animals as have Teeth and Horns, and being able to reſtrain and confine the Strength of that Animal, neglects to ſecure him, in that Situation, if the aforeſaid Animal with his Horns ſhould hurt any Perſon, or bite him with his Teeth, then the Magiſtrate ſhall fine the Owner thereof Two Hundred and Fifty *Puns* of *Cowries*; but if that Perſon has not Strength or Ability to reſtrain the aforeſaid Animal, and any Perſon ſhould be hurt thereby, the Owner of the Animal ſhall not be blamed.

If a Man keeps a Cow, or a Buffalo, or a Horſe, or an Elephant, or a Camel, or a Wolf, or a Dog, and the Animal of any of theſe Kinds ſhould ſtand in the Way, and a Perſon, paſſing by upon the Road, ſhould deſire the Owner of the Animal to keep it on one Side, then, ſuppoſing the Owner to have Ability to keep the Animal on one Side, upon his neglecting ſo to do, if the Animal ſhould by any Means hurt the Paſſenger, the Magiſtrate ſhall fine the Owner thereof Five Hundred *Puns* of *Cowries*.

If a Man exacts Labour from a Bullock that is hungry, or thirſty, or fatigued, or obliges him to labour out of Seaſon, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries*.

If any Man, by giving greater Wages than the Cuſtom of the Country requires, entertains a Servant, ſo that all other Perſons, by his giving ſuch great Wages, are put to great Inconvenience, or if, when the Magiſtrate hath fixed the Price of any Article, he buys or ſells ſuch Article at a higher or lower Rate, or if, by any Cozenage and Deceit, he ſells an Article of low Value for too great a Price, or, by Cozenage and Deceit, purchaſes a valuable Commodity at too low a Rate, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries.*

If a Man, without an Order of the Magiſtrate, ſells an Elephant that is fit for Buſineſs, or a Horſe that is fit for Buſineſs, or a Camel that is fit for Buſineſs, or any valuable Jewels, or if a Man ſells any Article which the Magiſtrate hath forbidden to be ſold, the Magiſtrate ſhall fine him the Price of the Article ſold.

If a Man uſes any ſevere Expreſſion againſt the Perſon who hath taught him the *Goiteree*, or if a Pupil does not obſerve the Commands of his Spiritual Guide, or is prepared to aſſault the Wife of his Elder Brother, or if a Man, having been intruſted to carry any Article from one Perſon to another, doth not deliver it accordingly, or if a Man hath opened the Lock of any Perſon's Houſe, or if a Man hath a malevolent Diſpoſition towards a Stranger, the Magiſtrate ſhall fine the Offender, in any of theſe Caſes, Fifty *Puns* of *Cowries.*

If a Man, who hath received any Moleſtation from a Thief, or any other ill-diſpoſed Perſon, ſhould ſay to another, " I receive ſuch Moleſtation from a Thief, or from ſuch other ill-diſpoſed Perſon, come you and free me from him," then, if that Perſon, having ſufficient Ability for the Purpoſe, doth not aſſiſt, or ſpeak for the other, the Magiſtrate ſhall fine him One Hundred *Puns* of *Cowries.*

If a Man, who hath not been molested by a Thief, or any other Person, should say, " I am molested by a Thief, or by such other ill-disposed Person, I entreat the People to come to my Assistance," in that Case, the Magistrate shall fine him One Hundred *Puns* of *Cowries*.

When a *Sooder*, or a *Sinassee*, is performing a *Scràdeh*, or a Worship to *Dewtah*, if, upon an Invitation from such Men, a *Bramin* should eat or drink there, or if a Man takes an Oath which does not belong to him to take, or if a Man should perform any Act which he is not permitted by the *Shaster* to perform, or if a Man hath administered any such Kind of Philter, so that there is no Fruit produced by the Trees, or causes a Cow to take such a Medicine as that she brings forth no Calf, or if a Man, having concealed any Partnership Property, converts it to his own Use, or if a Man of the *Arzàl*, or low Cast, intentionally strikes with his Hand a *Bramin*, a *Chektree*, or any other such superior Cast, the Magistrate shall fine the Offender, in any of these Cases, One Hundred *Puns* of *Cowries*.

If a Father forsakes a Son, who has no Stain upon his Character, such as the Loss of Cast and such other disgraceful Circumstances, or if a Son, of his own accord, forsakes his Father, who has no Stain upon his Character, or if a Friend forsakes his Friend, who is without Blemish, or if a Brother forsakes a Brother, without Discovery of any Fault in him, or if a Husband forsakes his Wife, without Fault in her, then, if any of these, if both the Parties are unfit for Business, and have no Remedy but that of Separation, the Magistrate shall fine the forsaking Party One Hundred *Puns* of *Cowries*; if, without any Reason, but merely their own Choice, the one forsakes the other, the Magistrate shall fine him Two Hundred *Puns* of *Cowries*; if of the Two Parties one is fit for Business and the other unfit, then, if the unfit Person,

of

of his own Choice, quits the other, the Magiſtrate ſhall fine him Six Hundred *Puns* of *Cowries.*

If one Perſon be going on a Road, and another be coming on it, then, whomſoever the Ordinations of the *Shâſter* require to give up the Way to the other, that Perſon ſhall give way accordingly:—The Diſtinctions of giving way are as follows: If one Man is blind, and the other hath his Sight, this latter ſhall give way to the Blind; if one Perſon be deaf, and the other hath his perfect Hearing, the latter ſhall give way to the Deaf: A Man ſhall give way to a Woman, and a Man empty-handed ſhall give way to a Man with a Burden; the Subject ſhall give way to the Magiſtrate, the Pupil to the Spiritual Guide; and ſo always an inferior Perſon ſhall give way to a ſuperior, and an inferior Caſt to a ſuperior, and an inferior Degree of Knowledge to a ſuperior Degree; a Man in Health ſhall give way to a ſick Perſon; and all Perſons ſhall give way to a *Bramin:* If any Perſon doth not give way according to this Rule, the Magiſtrate ſhall fine him Twenty *Puns* of *Cowries.*

If a Man doth not give a Carpet to ſit on, to ſuch Perſon as he ought to preſent with ſuch a Seat, or doth not treat with proper Veneration a Perſon to whom Veneration is due, or who, neglecting a faultleſs *Bramin* in his Neighbourhood, invites a *Bramin* from a conſiderable Diſtance, or who, having invited any Perſon, doth not offer him any Thing to eat, or who, having accepted an Invitation, doth not go to the Houſe whither he was invited accordingly, the Magiſtrate ſhall fine the Offender, in ſuch Caſes, One *Mâſheh of Gold.*

If a Man, having accepted anothers Invitation, doth not eat at his Houſe, then he ſhall be obliged to make good all the Expence that was incurred in conſequence of the Invitation.

If

If the Magiſtrate appoints any Man upon the Road to this Effect, to take a Toll from all Paſſengers going or coming by Water, and that Man levies a Toll upon thoſe who come or go by Land, the Magiſtrate ſhall fine him Ten *Puns* of *Cowries*; in the ſame Manner, if he has appointed him to the Land Collections, and he levies any Thing from the Paſſengers by Water, the Magiſtrate ſhall then alſo fine him Ten *Puns* of *Cowries.*

If any Man goes to a Woman, and forcibly commits Adultery with her, and that Woman, from Baſhfulneſs and Modeſty, exclaims, that Thieves attacked her Houſe, then the Magiſtrate ſhall fine that Woman Five Hundred *Puns* of *Cowries.*

If any Man forcibly commits Adultery with a Woman, and the Woman, by Exclamations, being deſirous to call the Neighbourhood, the Man gives her Something as a Bribe, ſo as to make her deſiſt from her Exclamations, then, whatever Bribe the Woman hath taken, in ſuch a Caſe, the Magiſtrate ſhall fine her Eight Times as much.

If a Man, ſaying, that the Cloaths, which he has taken from the Body of ſome deceaſed Perſon, are fit for Uſe, and valuable, ſells them as ſuch, or, without the Order of the Magiſtrate, rides out with the Dignity of a Magiſtrate, or ſits upon the *Muſnud* of the Magiſtrate, the Magiſtrate ſhall fine an Offender, in ſuch Caſes, Five Hundred *Puns* of *Cowries.*

If a Man performs a *Jugg*, to procure the Death of any innocent Perſon, the Magiſtrate ſhall fine him Two Hundred *Puns* of *Cowries.*

If a Man, to procure the Death of any innocent Perſon, by any Contrivance, cauſes him to drink a Potion, or otherwiſe meditates his Death, the Magiſtrate ſhall fine him Two Hundred *Puns* of *Cowries.*

If a Man bores a Hole through any Jewel which is not proper for boring, or, in ſuch as are proper for boring, makes a Hole in the wrong Place, or mixes any baſe and worthleſs Article with one that is valuable, the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If a Man ſells any Thing unfit to eat, calling it an Eatable, or if any Caſt ſells any Articles that are forbidden to be ſold by that Caſt, or if a *Bramin,* quitting his preſcribed Mode of Life, hath adopted other Manners, in any of theſe Caſes, the Magiſtrate ſhall fine the Offender One Thouſand *Puns* of *Cowries.*

If any Man demoliſhes the *Bundàreh (i. e )* the Treaſury and Store-Houſe of the Magiſtrate, or performs the *Jugg*, or the *Poojeh,* or ſuch other religious Exerciſes, with a malevolent Intent towards the Magiſtrate, or if, being appointed to any Buſineſs, he ſpoils that Buſineſs, or if he always takes Bribes, in any of theſe Caſes, the Magiſtrate, confiſcating the whole Property of the Offender, ſhall baniſh him the Kingdom.

If a Man, by caſting Briers into the Road, blocks up the Paſſage, or mixes Poiſon with any Preparation, Salt, or Acid, or Bitter, or Sweet, or who marries to a Slave any Woman who is not herſelf a Slave, in ſuch Caſes, the Magiſtrate ſhall cut off One of the Offender's Limbs; if he is always guilty of theſe Practices, the Magiſtrate ſhall put him to Death.

In

In any Place where the Magiſtrate is playing with any Perſon at *Cheperlâzee*, or at Tables, or any other ſuch Kind of Game, in that Caſe, if any Perſon, without Permiſſion of the Magiſtrate, interpoſes with his Hand, or by ſpeaking, the Magiſtrate ſhall put him to Death.

If any Man, without Permiſſion of the Magiſtrate, dreſſes himſelf in Cloaths like thoſe of the Magiſtrate, or who, being appointed to an Office in the Magiſtrate's Service, continually neglects his Duty, to employ himſelf in idle Amuſements, or to hear Singing, or, in any other Diſſipation, miſpends his Time, or who collects a greater Revenue than the Magiſtrate hath ordered, or who aims at the Magiſtracy, without being deſcended from the Magiſtrate's Family, in ſuch Caſes, the Magiſtrate ſhall put the Offender to Death.

If a Man, for his own Advantage, makes any falſe Entry in the Magiſtrate's Books, or, having diſcovered a Thief, or an Adulterer, ſuffers him to eſcape unpuniſhed, the Magiſtrate ſhall fine him One Thouſand *Puns* of *Cowries*.

If a Man, of his own Invention, ſays, that the Magiſtrate has intruſted to him the Diſcuſſion of any particular Affair, which, in fact, the Magiſtrate has not ſo intruſted, and, upon this Aſſertion, has cauſed Damage to any Perſons, the Magiſtrate, in that Caſe, ſhall fine him to the Extent of his Abilities; if he be more than once guilty of the ſame Offence, he ſhall cut off One of his Limbs; if he hath a violent Propenſity to ſuch Crimes, he ſhall put him to Death.

If any Man diſobeys the Order of the Magiſtrate, which may be executed, and which is proper, the Magiſtrate ſhall cut off from him a Hand, or a Foot,

or

or fome other Limb; if he always offends in this Manner, he ſhall put him to Death.

If a Man makes complaint before the Magiſtrate againſt the Magiſtrate's Counſellor, without any real Fault in him, or performs any Buſineſs or Service for the Magiſtrate's Accuſer, the Magiſtrate ſhall put him to Death.

If the Magiſtrate's Officer hath brought before the Magiſtrate any Perſon for any Crime, and, upon the Magiſtrate's examining that Perſon, he ſhould deny the Crime laid to his Charge, then, even if a ſmall Offence be proved againſt him, upon a trifling Crime, the Magiſtrate ſhall levy a great Fine.

If a Woman cauſes any Perſon to take Poiſon, or ſets fire to any Perſon's Houſe, or murders a Man, then the Magiſtrate, having bound a Stone to her Neck, ſhall drown her, upon Condition of her not being with Child.

If a Woman murders her Spiritual Guide, or her Huſband, or her Son, the Magiſtrate, having cut off her Ears, her Noſe, her Hands, and her Lips, ſhall expoſe her to be killed by Cows, on Condition of her not being with Child.

If a Man ſpoils any Article made of Leather, or any Wooden or Clay Veſſels, the Magiſtrate ſhall fine him Five Times as much.

If a Man cauſes another to do any bad Action, the Magiſtrate ſhall take from him Double of the Fine annexed to the Commiſſion of any particular Crime: If a Man ſays to another, "Do you commit this bad Action, I will ſtand to all the Expences that may ariſe," then the Magiſtrate ſhall fine him Four Times as much.

If

If a Man causes another to begin any bad Action, or shews him the Way to commit a bad Action, or furnishes him with any Implements for the Commission of it, or who, suspecting that the other Person is a Thief, gives him a Place where to reside, in these Cases, the Magistrate shall fine him to the Extent of his Abilities.

When a Man hath murdered another, if a third Person, who had Power to restrain the Murderer, neglected to do it, or, not having Power of himself to restrain the Murderer, yet, by speaking to another Person, could have caused him to be restrained, and neglected to speak, or when the Magistrate is prepared to chastise any Person, if another, at that Time, relates his Faults, or when a Man tells another, that he is desirous to commit a bad Action, if the other advises him thereto, the Magistrate, in these Cases, shall fine the Offender to the Extent of his Abilities.

If a Man, having committed a bad Action, should say, in Presence of the Magistrate, or of a considerable Number of Persons, that he hath committed such Crime, the Magistrate shall exact from him but Half the Fine.

If a Man in immediate Danger of his Life, by committing a bad Action, can save his Life, in that Case, the Magistrate shall not fine him.

If a Man of Veracity and general good Principles ignorantly commits any bad Action, the Magistrate shall not fine him.

If a Man, intending to commit a bad Action, hath proceeded so far as to commit some little Part of that bad Action, the Magistrate shall fine him One Quarter Part of the whole Mulct stated for such Crime; if he has proceeded still farther in the Commission of that Crime, the Magistrate shall take from

him One Half of that Fine; if he completes the ſaid bad Action, he ſhall take the equivalent Fine.

If a *Reyot* commits any Crime, the Magiſtrate, immediately upon receiving Information thereof, ſhall exact the Fine, and give him ſevere Caution not to commit the ſame Crime a Second Time.

In any Caſe where many Perſons in Confederacy commit any Crime, the Magiſtrate ſhall take from each Individual a double Fine.

Punishment is of Two Sorts: The Firſt Corporal, or Infliction of Severity upon the Body, and that is alſo of Two Sorts; the Firſt binding and laſhing the Body, or cutting off ſome of the Limbs; the Second putting to Death: The Second Sort of Puniſhment is Attachment of Property, and this has various and many Modes.

If a Man is frequently guilty of any of thoſe Crimes, the Fine for which is ſtated at One *Pun* of *Cowries*, the Magiſtrate ſhall fine him One *Màſheh of Silver*; if he frequently commits ſuch Crimes as are ſtated at One *Màſheh of Silver*, then the Magiſtrate ſhall fine him One *Cahawun* of *Cowries*; if a Man frequently commits any of thoſe Crimes, the ſtated Fine for which is One *Cahawun* to Two Hundred and Forty-nine *Puns* of *Cowries*, then the Magiſtrate ſhall fine him Four Times as much; beyond this, in ſuch Sort of Crimes, there is no greater Fine.

In Caſes where the ſtated Fine to be taken from any Man, for a particular Crime, is One *Cahawun* of *Cowries*, if the Magiſtrate commits ſuch Crime, in that Caſe, the aforeſaid Magiſtrate ſhall be fined One Thouſand *Puns* of *Cowries*.

If a Man of the *Arzàl* Caſt, after Contact, of whom Waſhing is neceſſary, or if a Man ſprung from the Womb of a Woman of ſuperior Caſt, and from the

the Loins of a Man of meaner Caſt, or if a Woman, or a Child, or a Man in Neceſſity, commit any Fault, the Magiſtrate, from ſuch Perſons, ſhall not exact any Fine.

In Crimes where a Man's whole Property is to be taken as the Fine for them, if Painters commit ſuch a Crime, the Magiſtrate, giving to them the neceſſary Implements for Painting, ſhall confiſcate the whole of their Property.

If a Man, who gets his Livelihood by Tillage, commits ſuch Crime as that his whole Property becomes liable to Confiſcation, then the Magiſtrate, leaving him ſuch Subſiſtence and Implements of Tillage as, upon Computation, will ſerve till his Crop is ripe, ſhall confiſcate all the Reſt of his Property.

If Singers, Muſicians, or Dancers, commit any ſuch Crime as that the whole of their Property becomes liable to Confiſcation, then the Magiſtrate, giving them the Implements of their Profeſſion, ſhall confiſcate all the Reſt of their Property.

If a Dancing Girl (or common Proſtitute) commits ſuch Crime as that all her Property becomes liable to Confiſcation, the Magiſtrate, giving to her her Cloth, or Carpet, for ſitting, her Cloaths, Jewels, and a Place of Abode, ſhall confiſcate all the Reſt of her Effects: In the ſame Manner, to a Soldier, ſhall be given his Implements of War; and to a Man, exerciſing any Profeſſion, the Implements of that Profeſſion ſhall be exempted from the Confiſcation of all the Reſt of his Property.

In Caſes where it is ordered a Man ſhall be put to Death, inſtead thereof, he ſhall pay One Hundred *Aſhrufies*; and where it is ſpecified, that One of his Hands, or One of his Feet ſhall be cut off, inſtead thereof, he ſhall pay Fifty

Fifty *Ashrufies*; and instead of having Two of his Fingers cut off, he shall pay Twenty-five *Ashrufies*; so also, where Banishment from the Kingdom is his Sentence, instead thereof, he shall be fined Twenty-five *Ashrufies*.

If in Two Places Two different Fines are specified for the same Crime, it must then be considered, whether the Offender hath committed this Crime Once only, or repeatedly; if he hath but Once been guilty, then, in the place where a smaller Fine is specified, according to that Specification he shall be fined; and if he hath frequently committed the same Offence, then he shall pay the larger Fine: It shall be considered also, whether the Criminal be a Man of large or of inconsiderable Property; if he is a Man of large Property, he shall pay according to the Specification of the larger Fine; if he is not a Man of Property, then he shall be fined according to the smaller Mulct specified.

In Cases where it is specified, that a Man shall be fined the same Mulct as a Robber, or as an Adulterer, or any other Offender, then, whatever Fine is specified to each particular Crime, a Fine of Half as much as that stated Fine shall be taken from him.

If Men of Rank, or of good Principles, or of Learning, commit such a Crime as to deserve a capital Punishment, and are not Men of Property, the Magistrate shall take from them less than One Hundred *Ashrufies*, in proportion to their Fortune; if they frequently commit the same Crime, the Magistrate shall confiscate all their Property, by way of Fine, and shall banish them the Kingdom.

If a *Bramin*, who hath always acted in conformity to the *Beids*, commits such a Crime as to deserve capital Punishment, then the Magistrate, to prevent him in future from the Commission of such Crimes, shall confine him in perpetual Imprisonment: If a *Chehteree*, or *Bice*, or *Sooder*, is unable to pay

pay ſuch Fine as is ordained by the *Shaſter*, the Magiſtrate ſhall cauſe them to labour in lieu of ſuch Fine; but he ſhall not cauſe a *Bramin* to labour in this Manner, but ſhall take the Fine from him by ſmall Proportions.

If a Woman of Property commits a Crime, the Magiſtrate ſhall fine her; if ſhe hath no Property, he ſhall chaſtiſe her.

If a Child, or an old and impotent Perſon, or a ſick Man out of Ignorance, or an Idiot, commits any Crime, the Magiſtrate ſhall not take any Fine from ſuch Perſons, but ſhall chaſtiſe them.

If a *Bramin* goes to wait upon a Magiſtrate, the Servants and *Derbâns* ſhall not obſtruct his Entrance, but ſhall give him a ready Admittance.

If a *Bramin* be Paſſenger in a Boat, he ſhall not pay any *Cowries* to the Watermen, and he ſhall enter into the Boat before any of the other Paſſengers, and ſhall alſo come out before them.

If a *Bramin*, having purchaſed any Goods, be Paſſenger in a Boat, he ſhall not pay any Thing to the Waterman, upon Suppoſition that he has not bought thoſe Goods for Traffick or Sale.

If a Man borrows Honey, or Sugar, or Salt, and does not repay it in the Space of Fifty Months, he ſhall be obliged to give Eight Times as much.

If a Man hath borrowed any Seed, he ſhall be obliged to return Six Times as much, upon Suppoſition that he does not repay it in the Space of Fifty Months.

If a Man hath intrufted, to be tended by a Herdfman, a Cow, or a Female Buffalo, and hath ftipulated fome Milk for the Herdfman's Wages, then, upon the Owner's neglecting, for a long Time, to take back fuch Cow or Buffalo, the Herdfman fhall take the Calves produced from them as his own Property.

Exclusive of thofe Articles fold by Weight, of which mention is made in the Chapter of Borrowing, if a Man borrows any other Article that is fold by Weight, and does not repay it for a long Space of Time, he fhall be obliged to give Eight Times as much.

If a Man, having been Lofer at any Game, hath, for a long Time, omitted to pay the Wager ftipulated thereupon, he neverthelefs fhall not pay Intereft upon it.

If a Man hath by Slight and Cunning taken any Thing from another, that Perfon, at the Time of recovering his Property, fhall not receive any Intereft thereon.

If a Man, depofiting a Pledge with any Perfon, borrows Money of him, and the Pledge by any unexpected Accident be deftroyed, then the Borrower fhall commit fome other Article to the Lender's Charge, until Repayment of the Money, or fhall repay the Money upon the Spot.

If a Pledge, in the Hands of a Creditor, be deftroyed by any Fault of the Creditor, then, fuppofing the Value of the Pledge to be equivalent to the Money lent, the Borrower fhall not make good the Debt; if the Value thereof be lefs than equivalent, the Borrower fhall make good the Amount of the Deficiency; if the Price of the Pledge be more than equivalent to the Money borrowed,

borrowed, the Debt ſhall go in Part Payment thereof, and the Creditor ſhall be obliged to make good the Remainder.

If a Father, having borrowed Money, from abſolute Inability, neglects to pay the ſame, his Son, if able to furniſh the Money, ſhall pay the Debt.

If a Huſband borrows Money, his Wife ſhall not repay it; if a Son borrows Money, the Mother ſhall not pay the Debt; if they have incurred the Debt by mutual Conſent, the Mother muſt pay it.

If a Creditor Once only obliges his Debtor to perform any Labour on Account of the Debt, which is not proper for that Debtor to perform, the Magiſtrate ſhall fine that Creditor Two Hundred and Fifty *Puns* of *Cowries.*

If a Man, having incurred a Debt, is unable to pay it, on Account of a Famine, or any ſuch Calamity, the Creditor ſhall be contented to receive the Money in ſmall Proportions, and ſhall not exerciſe any violent Severity againſt the Debtor.

If a Man brings a Claim againſt any Perſon, ſaying, "You owe me a Sum of Money," and that Perſon denies the Debt, then, upon the Creditor's proving the Debt, that Perſon, if he be rich, ſhall be fined Twice as much as the Debt; if he be a Man of inconſiderable Property, he ſhall be fined a Sum equivalent to the Debt.

If a Man, having borrowed Money of ſeveral Lenders, hath purchaſed Goods therewith, and all the Creditors aſſemble together at Once, and the Debtor hath no immediate Means of paying them, then whatever Goods he hath purchaſed with each Creditor's Money ſhall be ſold, to repay each Creditor reſpectively.

When

When a Debtor hath paid his Creditor the Sum of his Debt, he ſhall receive his Bond back from the Creditor, and ſhall tear it; and ſhall alſo take a written Releaſe or Receipt from the Creditor.

If a Man hath borrowed Money from a Lender, and hath not given a Bond, but there be Witneſſes to the ſame, then, at the Time of Repayment, the Money ſhall be delivered in Preſence of the ſame Witneſſes.

If any Man, having been expelled and excommunicated from his Caſt, performs the *Perâſhchut*, or Expiation, then, during his Life-Time, his Son, and Grandſon, and ſuch other natural Heirs, ſhall not become poſſeſſed of his Eſtate; but his Property ſhall be divided among them, according to their Right of Inheritance.

If there are Two, or Four, or more Heirs, and One or Two of them, by applying to Uſe the Partnerſhip Property, acquire ſome Profit from thence, then all the Partners, according to their Property in the Stock, ſhall receive a Share of the Profit; but he who acquired this Profit ſhall divide their Property into equal Shares, and firſt ſhall take One Share thereof to himſelf, and of the reſt they all ſhall take Shares reſpectively, according to their Proportion of the Stock: But this Ordination is only to be underſtood in Caſes of unequal Shares in a Joint Concern; if the Shares of all the Partners are equal, then he who acquired the Profit thereon ſhall receive Two Shares, and the others ſhall each receive One Share.

If the ſeveral Partners have an equal Right to a Female Slave, or to a Slave, then all the Partners ſhall exact an equal Portion of Service from that Slave, or Female Slave.

If

If any One of the Partners hath concealed any Part of the Joint Property, then, upon Difcovery thereof, fuch concealed Property fhall be divided among the Partners; but they fhall not receive any Share of that Property which hath already been divided.

If a Man hath forcibly taken any Thing from another, or forcibly caufed him to fign any Writing, or by Violence expended any of his Property, it is not approved.

If a Man, by forcible Means, or, by any deceitful Artifice, hath fold any Thing, or managed any other Tranfaction, it is not approved.

If, during the Night-Time, or in a concealed Part of the Houfe, or without the Precincts of the Town, or in fuch other concealed and fufpicious Places, a Man hath bought and fold any Thing, or managed any other Tranfaction, it is not approved.

If a Woman, or a Perfon intoxicated, or an Idiot, or a fick Perfon, or a Child, or a Man under violent Dread, hath performed any Tranfaction, it is not approved.

Exclusive of the Plaintiff and Defendant, and the *Vakeel*, or the Son, or the Slave of the Plaintiff and Defendant, if any other Perfon takes upon him to fettle the Affairs, it is not approved.

If a Man doth not give up Goods intrufted to him, when the Perfon who intrufted them demands the fame, then, if he be rich and void of Religion, the Magiftrate fhall fine him Twice as much as the Value of the Goods in Truft; if

he is not a Man of Property, nor void of Religion, he ſhall only fine him an Equivalent.

If a Man ignorantly, without any accidental Calamity, ſpoils Goods intruſted to him, in that Caſe, he is not to make good the whole of the Effects in Truſt, but he ſhall pay ſomewhat leſs than the Value of the Property intruſted to him, and the Sons of that Perſon are not to pay any Part thereof.

If the Goods in Truſt be ſpoiled by the Fault of the Sons, then the Sons alſo ſhall pay.

When a Pupil takes Leave of his Maſter, after having been inſtructed in any Science, the Maſter, upon giving him his Diſmiſſion, ſhall give him ſome Money, according to the Extent of his Abilities.

If a Man, having received Service at the Hands of a Servant, doth not pay him his Wages, the Magiſtrate ſhall cauſe him to pay the Wages, and ſhall alſo fine him.

If a Man hath married any Female Slave, he becomes the Slave of the Owner of that Female Slave, in caſe he is not already the Slave of any Perſon; if he is the Slave of any Perſon, and marries that Female Slave, with the Conſent of his Maſter, he then alſo becomes the Slave of the Owner of the Slave Girl.

If a Marriage is contracted between a Slave and a Slave Girl, without the Conſent of the Owner of the Slave, or that of the Owner of the Slave Girl, then the Slave continues to belong to his original Owner, and the Female Slave alſo remains with her original Owners.

If

If any Perfon's Cow, being covered by another Perfon's Bull, fhould produce a Calf, then the Owner of the Cow fhall have the Calf, and the Owner of the Bull fhall not have Power to lay any Claim to it.

If a Man, having purchafed any Goods, doth not pay the Toll thereon in the *Bàzàr*, or at the *Chokey*, the Magiftrate fhall take Eight Times as much as the Toll from him; if that Perfon, for the Sake of avoiding Payment of Toll, quits the right Road and takes another, the Magiftrate fhall confifcate all his Property.

If a Man, to avoid paying Toll, doth not fell his Goods at the regular Hours of Sale, but fells them privately, the Magiftrate fhall fine him Eight Times as much.

In a Tranfaction of returning purchafed Goods, if the Purchafer returns fuch Articles within the Time limited for that Purpofe, in the Chapter of Buying and Selling, then he fhall divide that Space of Time into Three Parts; if he returns the Goods within the Space of the Firft Divifion of Time, it is of no farther Confequence; if he returns them within the Second Divifion of Time, he fhall give One Thirtieth of the Price of the Article, together with the Article returned to the Seller; if within the Third Space of Time, he then fhall give to the Seller One Fifteenth of the Price of the Article, together with the Article fo returned; and, after the Expiration of that Space of Time, purchafed Articles muft not be returned.

In the Chapter of Buying and Selling, according to the Space of Time therein limited for returning purchafed Goods, if a Man, having bought any Commodity, returns it after the Expiration of that Period, or, having

fold.

ſold any Articles, takes them back again, the Magiſtrate ſhall fine that Perſon Six Hundred *Puns* of *Cowries.*

If a Man, having purchaſed a Cow or a Buffalo that gives Milk, returns it within the Period of Time limited for ſuch Returns, he ſhall, upon returning the ſame, give One Tenth of the Price thereof to the Seller; in returning purchaſed Cows or Buffaloes, there is no Diviſion of the limited Period into Three Parts, as before.

If the Purchaſer of the Cow or Buffalo hath taken the Purchaſe into his own Poſſeſſion, he ſhall give to the Seller One Sixth of the Price thereof.

If a Man gives falſe Teſtimony in a Matter of Limits and Boundaries, then the Magiſtrate ſhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

If that Perſon is an immediate Neighbour to thoſe Boundaries, then the Magiſtrate ſhall fine him Five Hundred *Puns* of *Cowries.*

If a Man ſteals any Thread, or Cotton, or Cow Dung, or Graſs, or Water, or Sugar Cane, or Veſſels of *Bamboo* (that is Cane) or Salt, or Earthen Pots, or Sand, or Duſt, or Clay, or Fiſh, or Birds, or bitter Oil, or Fleſh, or Honey, or Leather, or Ivory, or the Horns of Animals, or Wine, or Victuals, or Fruit, which any Perſon hath bought for his own Uſe, then the Magiſtrate, cauſing ſuch Articles to be returned to the Owners, ſhall fine the Thief One Hundred *Puns* of *Cowries.*

The *Shàit*, or *Pooſkteh-bundee*, is of Two Sorts: The Firſt, *Khieu (i. e.)* a Bridge, through which the Water has free Paſſage; the Second, *Bundhoo (i. e.)* Bank, or Dam, through which the Water does not flow.

If

If a Man erects fuch a Bridge or Bank upon the Land of another Perfon, and that Perfon fuftains a fmall Injury from the faid Bank, and the Publick receives a material Benefit, then that Perfon is not permitted to interrupt the Progrefs of the faid *Pooſhteh-bundee.*

If a Man hath erected a Bridge or Bank upon any particular Spot, from the Conftruction of which Bridge or Bank the Crops upon other Perfons Grounds are much benefited, this Man hath no Power to claim the faid Crops; but the Owners of the Land fhall poffefs the Crops refpectively.

If a *Chehteree* commits Adultery with a Woman of the *Bramin* Caft, who has no Mafter, by her own Confent, the Magiftrate fhall fine the faid *Chehteree* One Thoufand *Puns* of *Cowries*, and fhall caufe the Hair of his Head to be fhaved off with the Urine of an Afs.

If any Man ftrikes the *Anus* of another, the Magiftrate fhall fine him Forty *Puns* of *Cowries.*

Whatever Ordination fuch *Bramins* as are *Pundits* delivered to the *Reyots* from the *Shafter*, the *Reyots* fhall acknowledge and obey the fame: Whoever, being a *Pundit*, does not fpeak the Sentiments of the *Shafter*, the Magiftrate fhall fine him Two Hundred and Fifty *Puns* of *Cowries.*

Upon the Magiftrate's having made a regular Inveftigation, whatever Orders he fhall iffue to any Perfon, if that Perfon does not act in conformity thereto, the Magiftrate fhall fine him.

Men that vilify the Magiſtrate, or Men of innate bad Principles, or Men, who, without Reaſon, cauſe any internal Uneaſineſs to others, the Magiſtrate ſhall baniſh all ſuch from the Kingdom.

If a Man, having always been uſed to eat and drink with another, without any Fault of that Perſon, will no longer eat and drink with him, then the Magiſtrate ſhall hold him guilty.

If ſeveral Perſons in a Confederacy refuſe to pay to the Magiſtrate his proper Dues, the Magiſtrate ſhall exact Eight Times as much from each Individual.

If any Perſon, having borrowed Money in the Name of ſeveral Perſons, applies the ſame to his own Uſe, that Perſon ſhall be obliged to pay the Debt.

If the Father or Mother of the Magiſtrate, or any Perſon who hath taught the *Goiteree*, or a Child, or a weak old Perſon, or a Man of Rank and Knowledge in the *Beids* of the *Shaſter*, and who acts in conformity to the *Beids*, or a Kinſman and Relation of the Magiſtrate, commits a Fault, the Magiſtrate ſhall not take a pecuniary Fine from ſuch Perſons, nor ſhall cut off their Limbs, but ſhall utter ſevere Expreſſions of Wrath againſt them.

If a *Sinaſſee*, or a *Bàn Perùſt*, or a *Berhemchàrry*, commits any Crime, the Magiſtrate ſhall not take from them any pecuniary Fine, and ſhall not cut off the Limbs of ſuch Perſons, but ſhall anathematize them.

There is no Crime in the World ſo great as that of murdering a *Bramin*; wherefore the Magiſtrate ſhall never deſire the Death of a *Bramin*, nor ſhall he ever cut off his Limbs.

If

If a *Bramin* is guilty of drinking Wine, he ſhall be branded in the Fore-head with the *Sooràdhuch*:—*Sooràdhuch* is that, at the Time of drinking Wine, upon turning down the Cup, in ſuch Manner as that the Wine falls from the Mouth of the Cup; in the ſame Form, they ſhall brand the *Bramin*'s Forehead with a hot Iron.

If a *Bramin* commits Adultery with any of his Father's Wives, excluſive of his own Mother, the Magiſtrate ſhall brand him with a hot Iron in the Forehead with the Mark of the *Pudendum Muliebre*.

If a *Bramin* hath murdered another *Bramin*, the Magiſtrate ſhall brand him in the Forehead with the Mark of a Man without a Head.

Every *Bramin*, who does not every Day act according to the *Shaſter*, and who acts in contradiction to the *Shaſter*, ſhall be confined in Priſon by the Magiſtrate, until ſuch Time as he reverts to the Duties of his Religion; if he never reverts to the Duties of hisReligion, he ſhall be baniſhed the Kingdom.

The Magiſtrate ſhall not take any of the Property termed *Màhà Pàtuk* (a Deſcription of which is to be found in the Chapter of *Pàk-Pàriſh)* if he takes a Fine from thence, he ſhall caſt it into the Water, or ſhall give it to ſuch *Bramin* as is firm in his Religion, and who acts in conformity to the *Beids*; if the Magiſtrate doth not appropriate to himſelf the Property called *Màhà Pàtuk*, but acts according to what is herein enjoined, then the Lives of Men are prolonged in his Kingdom, and Learning flouriſhes there, and beautiful Children are propagated there.

From a Man that is rich, a larger Fine than that reſpectively ſpecified ſhall be taken, that, feeling the Inconveniencies of the Mulct, from the Fear thereof,

thereof, he may be reſtrained from the Commiſſion of ſuch Crimes a Second Time.

After being acquainted with the Fines ſtated for each particular Species of Theft, as mentioned in the Chapter of Theft, if a *Sooder* commits a Robbery, he ſhall pay Eight Times as much; if a *Bice*, he ſhall pay Sixteen Times as much; if a *Chehteree*, he ſhall pay a Fine of Thirty-two Times as much; if he be a *Bramin*, he ſhall pay Sixty-four Times as much; if he be a *Bramin* of extenſive Knowledge, he ſhall pay One Hundred Times as much; if he be a Man of the greateſt Rank, he ſhall be fined One Hundred and Twenty Times as much.

According to the Ordinations delivered in this *Pootee*, or Compilation, the Magiſtrate ſhall adminiſter Juſtice; if any Matter ſhould come before him, which is not included herein, he ſhall conſider the general Scope of this *Pootee*, and judge accordingly, and fine proportionably; and in ſuch Caſes where the Fine is not particularly ſpecified, he ſhall inveſtigate the Affair, and take a Fine.

THE END.